



COUNCIL

Meeting No 10
Monday 23 November 2015
Notice No 10/1568
Notice Date 19 November 2015

minutes

city of villages

INDEX TO MINUTES

ITEM	PAGE NO
1. CONFIRMATION OF MINUTES	1910
2. DISCLOSURES OF INTEREST.....	1910
3. MINUTES BY THE LORD MAYOR –	
3.1 CITIES BACK ON THE NATIONAL AGENDA	1912
4. MEMORANDA BY THE CHIEF EXECUTIVE OFFICER –	
4.1 STANDING RESOLUTION – ABSENCE OF CHIEF EXECUTIVE OFFICER.....	1915
4.2 NOMINATION OF ALTERNATE MEMBER OF THE CENTRAL SYDNEY TRAFFIC AND TRANSPORT COMMITTEE	1916
5. MATTERS FOR TABLING	1918
6. REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 16 NOVEMBER 2015.....	1920
6.1 DISCLOSURES OF INTEREST	1921
6.2 2015/16 QUARTER 1 REVIEW - DELIVERY PROGRAM 2014- 2017.....	1921
6.3 INVESTMENTS HELD AS AT 31 OCTOBER 2015.....	1922
6.4 COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16 - ADOPTION.....	1922
6.5 EXEMPTION FROM TENDER - SYDNEY CHRISTMAS - PITT STREET MALL CATENARY LIGHTING INSTALLATION	1940
6.6 TENDER - 1-5 FLINDERS STREET - BIKE AND COMMUNITY HUB.....	1940
6.7 TENDER - GREEN SQUARE CREATIVE CENTRE COMMUNITY FACILITIES AND PARK - 3 JOYNTON AVENUE ZETLAND	1941
6.8 TENDER - GREEN SQUARE TOWN CENTRE - STREET TREE SUPPLY	1941
6.9 TENDER - SYDNEY PARK BRICK KILNS - WATERPROOFING AND ALCOVE SCREENS INSTALLATION PROJECT	1941
6.10 TENDER - REPAIRS TO A RETAINING STRUCTURE AT ON SLOW AVENUE ELIZABETH BAY.....	1942
6.11 TENDER - RETAINING WALL AND BEAM REMEDIATION AT THOMSON STREET DARLINGHURST	1942

INDEX TO MINUTES

ITEM	PAGE NO
6.12 TENDER – COLBOURNE AVENUE AND LYNDBURST STREET IMPROVEMENTS - GLEBE	1942
6.13 TENDER - MANAGED WEB HOSTING	1943
6.14 TENDER - MEDIA MONITORING AND DISTRIBUTION	1943
6.15 TENDER - BUILD AND DELIVERY OF ZODIAC LANTERNS.....	1943
7. REPORT OF THE ENVIRONMENT COMMITTEE - 16 NOVEMBER 2015	1944
7.1 DISCLOSURES OF INTEREST	1944
7.2 CONFERENCE OF THE PARTIES TO THE UNITED NATIONS CONVENTION ON CLIMATE CHANGE, PARIS – DECEMBER 2015.....	1945
7.3 DRAFT OUTDOOR FITNESS TRAINING VOLUNTARY CODE OF CONDUCT – PUBLIC EXHIBITION.....	1945
7.4 2015/16 ENVIRONMENTAL PERFORMANCE GRANT PROGRAMS – FOURTH ALLOCATION	1946
7.5 KNOWLEDGE EXCHANGE SPONSORSHIP – GREEN CITIES – SUSTAINABLE CITIES AND URBAN PLANNING INNOVATION	1947
7.6 HYDE PARK SOUTH CAFÉ – PROJECT SCOPE.....	1947
8. REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 16 NOVEMBER 2015	1948
8.1 DISCLOSURES OF INTEREST	1949
8.2 GRANTS AND SPONSORSHIP – ROUND TWO ALLOCATION OF 2015/16 ANNUAL PROGRAMS	1949
8.3 FRIENDS OF THE SYDNEY TOWN HALL INCORPORATED AND THE CHRISTMAS AT THE TOWN HALL ORGAN CONCERT	1966
9. REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 17 NOVEMBER 2015	1967
9.1 DISCLOSURES OF INTEREST	1969
9.2 BARANGAROO UPDATE	1970
9.3 POST EXHIBITION - DRAFT CENTRAL SYDNEY ON-STREET PARKING POLICY 2015.....	1970

INDEX TO MINUTES

ITEM	PAGE NO
9.4 POST EXHIBITION – PLANNING PROPOSAL – SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – INDUSTRIAL AND WAREHOUSE BUILDINGS HERITAGE STUDY – HERITAGE LISTING OF IDENTIFIED INDUSTRIAL HERITAGE ITEMS AND AREAS	1978
9.5 PUBLIC EXHIBITION – DRAFT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015.....	1978
9.6 FIRE SAFETY REPORTS	1979
9.7 DEVELOPMENT APPLICATION: 35 HENDERSON ROAD EVELEIGH	1980
9.8 DEVELOPMENT APPLICATION: 153-165 BROUGHAM STREET WOOLLOOMOOLOO	1982
9.9 DEVELOPMENT APPLICATION: 95 AND 97-97A BOURKE STREET AND 11A HARMER STREET WOOLLOOMOOLOO.....	1982
9.10 DEVELOPMENT APPLICATION: 22-38 YURONG STREET DARLINGHURST	2016
9.11 DEVELOPMENT APPLICATION: 47 AND 49-53 WENTWORTH AVENUE SYDNEY	2017
9.12 DEVELOPMENT APPLICATION: 291 GEORGE STREET WATERLOO – THE DUKE OF WELLINGTON	2029
9.13 DEVELOPMENT APPLICATION: 15 BOWDEN STREET ALEXANDRIA	2068
9.14 DEVELOPMENT APPLICATION: 6-8 CREWE PLACE ROSEBERY	2111
9.15 DEVELOPMENT APPLICATION: 56-78 OXFORD STREET DARLINGHURST	2163
10. OVERSEAS TRAVEL REPORT – 100 RESILIENT CITIES NETWORK.....	2179
11. PROPOSED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2016	2179
12. QUESTIONS ON NOTICE	2184
13. SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS.....	2204
14. NOTICES OF MOTION.....	2205

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 Vithoukas.

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

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

Councillor Kok left the meeting of Council at 6.02pm prior to discussion on Item 7.4 and returned at 6.03pm at the conclusion of discussion on that item. Councillor Kok was not present at, or in sight of, the meeting of Council during discussion or voting on Item 7.4.

Councillor Vithoukas left the meeting of Council at 6.05pm prior to discussion on Part B of Item 8.2 and returned at 6.06pm at the conclusion of discussion and voting on that Part of Item 8.2. Councillor Vithoukas was not present at, or in sight of, the meeting of Council during discussion or voting on Part B of Item 8.2.

Councillor Scott left the meeting of Council at 7.04pm prior to discussion on Item 9.4 and returned at 7.23pm at the conclusion of discussion and voting on that item. Councillor Scott was not present at, or in sight of, the meeting of Council during discussion or voting on Item 9.4.

Councillor Kok left the meeting of Council at 7.27pm prior to discussion on Item 9.10 and returned at 7.28pm at the conclusion of discussion and voting on that item. Councillor Kok was not present at, or in sight of, the meeting of Council during discussion or voting on Item 9.10.

Councillor Vithoukas left the meeting of Council at 7.29pm prior to discussion on Item 9.15 and returned at 7.30pm at the conclusion of discussion and voting on that item. Councillor Vithoukas was not present at, or in sight of, the meeting of Council during discussion or voting on Item 9.15.

The Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Director Legal and Governance, Director City Planning, Development and Transport, Director City Life, Director City Engagement, Director City Projects and Property and Director Workforce and Information Services were also present.

Opening Prayer

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

ITEM 1 CONFIRMATION OF MINUTES

Moved by Councillor Kemmis, seconded by Councillor Mant –

That the minutes of the meeting of Council of Monday 26 October 2015, as circulated to Councillors, be confirmed.

Carried unanimously.

ITEM 2 DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Item 6.2 on the agenda in that she is a member of Friends of Erskineville, an organisation which has been provided some space by the City.
- a less than significant, non-pecuniary interest in Item 7.4 on the agenda in that she is employed by the University of Sydney, which is the part-owner of the Stucco Co-operative Limited building.
- a less than significant, non-pecuniary interest in Item 8.2 on the agenda in that she is a member of the Surry Hills Neighbourhood Centre and a member of The Glebe Society Incorporated, both of which are proposed grant recipients.
- a significant, non-pecuniary interest in Item 9.4 on the agenda in that she has been advised, in the week since the meeting of the Planning and Development Committee, that the University owns two of the buildings in Camperdown listed in the subject report. Councillor Scott stated that she would not be present for discussion or voting on this item.

Councillor Irene Doutney disclosed a significant, non-pecuniary interest in Item 8.2 on the agenda in that she is on the Board of Counterpoint Community Services Incorporated, which is one of the grant applicants not recommended for funding.

Councillor Christine Forster disclosed a less than significant, non-pecuniary interest in Item 9.10 on the agenda in that Mr Giovanni Cirillo, who addressed the meeting of the Planning and Development Committee, is a personal friend of hers.

Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 7.4 on the agenda in that he is on the Board of Governors of WWF-Australia, which is a proposed grant recipient. Councillor Kok stated that he would not be present for discussion or voting on Item 7.4.

Councillor Kok also disclosed a less than significant, non-pecuniary interest in Item 9.10 on the agenda in that he has met the applicant for the subject development application at Chinese community events and knows him through the Chinese community. Councillor Kok stated that he would not be present for discussion or voting on Item 9.10.

Councillor Angela Vithoukas made the following disclosures:

- a significant non-pecuniary interest in Item 8.2 on the agenda in that one of the directors of Monkey Baa Theatre for Young People Limited, which is a proposed grant recipient, is a close personal friend of hers. Councillor Vithoukas stated that she would not be present for discussion or voting on the part of that item dealing with the grant to the Monkey Baa Theatre.
- a less than significant, non-pecuniary interest in Item 9.3 on the agenda in that she is a CBD business owner on George Street and this item relates to the CBD parking policy.
- a pecuniary interest in Item 9.15 on the agenda in that she has provided administrative services for the applicant (Woolworths). Councillor Vithoukas stated that she would not be present for discussion or voting on Item 9.15.

(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 CITIES BACK ON THE NATIONAL AGENDA**FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

Last month, I travelled to Canberra with other Council of Capital City Lord Mayors (CCCLM) from Adelaide, Brisbane, Darwin, Hobart and Melbourne to meet the Prime Minister, Opposition Leader and other key Federal representatives.

Australia's capital cities account for 64 per cent of the nation's GDP, house over two-thirds of Australia's workforce, have supplied 1.5 million people with new jobs in the past decade, educate 80 per cent of all tertiary students in the country and are forecast to house another 10 million Australians by 2056 – 72 per cent of all future population growth.

Australia's Council of Capital City Lord Mayors say: "Get it right for the cities, and you'll get it right for the nation."

Unfortunately, other levels of government have been slow to recognise the growing importance of Australian cities and the previous Federal Government's Major Cities Unit was shamefully abolished by the Abbott Government.

But we now have a Prime Minister who understands what can be achieved when cities are made national priorities and who supports innovative industries and public transport.

We also have a Cities Minister, Jamie Briggs, who wants to work with state and local government to deliver long term plans for our cities and to identify key infrastructure projects.

While in Canberra, I joined other CCCLM Mayors to launch "Cities Matter" - an online platform to encourage the Federal Government to work with us to ensure long term planning and bipartisan support for the projects our cities need to keep growing in a sustainable way.

Tackling congestion and affordable housing were key themes at the launch.

Cities Minister Jamie Briggs spoke about the challenges of attracting global talent to our cities and keeping them there. He also spoke about the importance of having good quality housing close to jobs.

John Daley, CEO of the Grattan Institute, confirmed that Australia's economy is increasingly dominated by services produced in cities. He said while more jobs are concentrated in city centres, new housing is mostly being built at the edge.

He warned that if many people can't get to the high productivity jobs – located in and towards the city centre – then this would drag on economic growth. He said longer commutes result in:

- higher living costs of thousands of dollars a year;
- pressure on family life; and
- lower well-being.

Congestion, affordable housing and climate change were also issues raised in meetings the CCCLM held with the Prime Minister Malcolm Turnbull, Minister for Cities and the Built Environment Jamie Briggs, Minister for the Environment Greg Hunt, Minister for Territories, Local Government and Major Projects Paul Fletcher, Leader of the Opposition Bill Shorten, Shadow Minister for Infrastructure and Transport and Shadow Minister for Cities Anthony Albanese, Shadow Minister for the Environment Mark Butler, Leader of the Greens Richard Di Natale, Greens Senators Scott Ludlam and Lee Rhiannon, and Members of the Parliamentary Friendship Group for Better Cities Andrew Giles and Adam Bandt.

The City of Sydney is vital to the NSW and Australian economy. Our city government area generates around \$108 billion in economic activity and contributes eight per cent of Australia's GDP and 22 per cent of the economy of NSW.

Sydney, like other capital cities, faces a range of challenges which require urgent action from all levels of government – supporting tech start-ups, building infrastructure, increasing affordable housing and addressing climate change.

I welcome the renewed focus on cities by the Prime Minister, Malcolm Turnbull and the appointment of Jamie Briggs as the Minister for Cities and the Built Environment and look forward to working with them on the critical issues facing our city.

RECOMMENDATION

It is resolved that Council note the meetings between the CCCLM and the Federal Parliament and welcome the Government's renewed focus on cities.

COUNCILLOR CLOVER MOORE

Lord Mayor

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

It is resolved that Council note the meetings between the CCCLM and the Federal Parliament and welcome the Government's renewed focus on cities.

Variation. At the request of Councillor Forster, and by consent, the motion was varied by the addition of the following:

In the last line of paragraph 4 of the subject Minute, the word "shamefully" be deleted.

Variation. At the request of Councillor Scott, and by consent, the motion was further varied by the addition of the following:

Council call upon the Commonwealth Government to re-establish the Major Cities Unit and Urban Policy Forum to support the development of urban policy-making; and

Council write to the Prime Minister expressing Council's support for the re-establishment of the Major Cities Unit and the Urban Policy Forum.

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 the meetings between the CCCLM and the Federal Parliament and welcome the Government's renewed focus on cities;
- (B) in the last line of paragraph 4 of the subject Minute, the word "shamefully" be deleted;
- (C) Council call upon the Commonwealth Government to re-establish the Major Cities Unit and Urban Policy Forum to support the development of urban policy-making; and
- (D) Council write to the Prime Minister expressing Council's support for the re-establishment of the Major Cities Unit and the Urban Policy Forum.

ITEM 4.1 STANDING RESOLUTION – ABSENCE OF CHIEF EXECUTIVE OFFICER**FILE NO: S087321****MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER**To Council:

In 2011, to accommodate short-term absences by the Chief Executive Officer (CEO), it was agreed that either of the Chief Operating Officer, Director City Operations or the Director Legal and Governance may be appointed to the position of CEO on a temporary basis. It is now suggested that the position of Chief Financial Officer be added to this list.

Background

Section 351 of the Local Government Act 1993 permits Council, by resolution, to appoint a person to the position of CEO on a temporary basis in circumstances where the CEO is temporarily unable or unavailable to continue in the role (e.g. due to the taking of annual leave, sick leave, long service leave).

The temporary appointee may not continue in the position of CEO for a period exceeding 12 months or, if the temporary appointee takes parental leave, they may not continue in the position of CEO for a period exceeding 24 months.

In 2011, to accommodate any future temporary absences by the CEO in an administratively simple and efficient manner, the following form of Standing Resolution was agreed by Council:

- (i) in circumstances where the CEO is absent from office for any reason other than suspension from duty, Council temporarily appoint as CEO whichever of the Chief Operating Officer, the Director City Operations or the Director Legal and Governance is nominated in writing by the CEO; and
- (ii) unless a resolution to the contrary is made by Council, in circumstances where the CEO is absent from office and does not or cannot nominate a temporary appointee for any reason, the Chief Operating Officer is temporarily appointed as CEO until further resolution by Council.

Given recent changes in the membership of the Executive and to provide additional flexibility, it is recommended that the current form of Standing Resolution be amended to include a reference in clause (i) above to the position of “Chief Financial Officer”.

RECOMMENDATION

It is resolved that:

- (A) in circumstances where the CEO is absent from office for any reason other than suspension from duty, Council temporarily appoint as CEO whichever of the Chief Financial Officer, Chief Operating Officer, the Director City Operations or the Director Legal and Governance is nominated in writing by the CEO; and
- (B) unless a resolution to the contrary is made by Council, in circumstances where the CEO is absent from office and does not or cannot nominate a temporary appointee for any reason, the Chief Operating Officer is temporarily appointed as CEO until further resolution by Council.

MONICA BARONE
Chief Executive Officer

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

That the Memorandum by the Chief Executive Officer be endorsed and adopted.

Carried unanimously.

ITEM 4.2 NOMINATION OF ALTERNATE MEMBER OF THE CENTRAL SYDNEY TRAFFIC AND TRANSPORT COMMITTEE

FILE NO: S111818

MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER

To Council:

In 2012 the Central Sydney Traffic and Transport Committee (CSTTC) was established following amendments to the City of Sydney Act 1988.

The primary function of the CSTTC is to coordinate transport policy and major transport related works between the City of Sydney and the NSW Government.

The CSTTC is comprised of 7 members:

- the Director General of Transport for New South Wales
- 3 persons nominated by the City of Sydney and appointed by the Minister
- 3 persons representing the State government and appointed by the Minister

The current members of the CSTTC nominated by the City of Sydney are:

- Lord Mayor Clover Moore (alternate member Councillor John Mant)
- Graham Jahn, Director City Planning, Development and Transport (alternate member Sue Robinson, Executive Manager Development)
- Bryony Cooper, Executive Manager, City Access and Transport (alternate member Anthony Mifsud, Transport Policy Manager)

Louise Kerr, previously the alternate member for Graham Jahn, returned from maternity leave and Sue Robinson is no longer with the City of Sydney.

In accordance with Clause 51G (b) and Schedule 2 of the City of Sydney Act 1988, approval of Council is requested for the following:

- revocation of the appointment of Sue Robinson as the alternate member of the CSTTC for Graham Jahn; and
- the appointment of Louise Kerr, Executive Manager Development as the alternate member for Graham Jahn.

RECOMMENDATION

It is resolved that:

- (A) the appointment of Sue Robinson as an alternate member of the Central Sydney Traffic and Transport Committee for Graham Jahn be revoked; and
- (B) Louise Kerr be appointed as an alternate member of the Central Sydney Traffic and Transport Committee for Graham Jahn.

MONICA BARONE
Chief Executive Officer

Moved by Councillor Kemmis, seconded by Councillor Scott –

That the Memorandum by the Chief Executive Officer be endorsed and adopted.

Carried unanimously.

ITEM 5 MATTERS FOR TABLING

5.1 Disclosures of Interest

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

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

Carried unanimously.

5.2 Petitions

(a) William Street Industrial Heritage Conservation Area S122740

The following Petition, of which notice was given by the Chair (the Lord Mayor), was laid on the table:

“We, the undersigned residents, property owners, concerned citizens, past and present employees and business owners of Alexandria and the surrounding suburbs are concerned of the proposal to list the William Street Alexandria area as a heritage area.

We the undersigned believe that this collection of buildings, one of which was formally (sic) a brothel, have no architectural or historic significance and are a part of history that no Australian should be proud of, thus they should not be preserved and should be given no protection under a heritage area.

We ask that the City of Sydney do **NOT** list the William St Alexandria area as an Industrial Heritage conservation area.”

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

It is resolved that the Petition on the William Street Industrial Heritage Conservation Area be received and noted.

Carried unanimously.

(b) Save ‘The Alex’

The following Petition, of which notice was given by Councillor Doutney, was laid on the table:

“To City of Sydney Councillors and the NSW Minister for Heritage

We urge you to do all that you can to prevent the closure and loss of the Alexandria Hotel.

‘The Alex’ is not just a great place to drink, but it is an increasingly rare example of the connection between the past and present built and social history of our community.

‘The Alex’ is closely connected to the people who made the surrounding suburbs, the workers in the factories that once proliferated in this area historically – and has been a site of significant recent community activity. The significance of ‘The Alex’ is intertwined with our history the Australian Technology Park and Eveleigh train yards site – which themselves are also under threat due to sell off.

By letting the Alexandria Hotel and other local heritage be demolished we risk the homogenisation of the local area and end up with suburbs indistinguishable from any other suburb in Sydney. Don't let us lose what is special.

Saving 'The Alex' will require active intervention from you, our Council and the State Government. We urge you to pursue this action."

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

It is resolved that the Petition on Save 'The Alex' be received and noted.

Carried unanimously.

(c) The Archway Theatre

The following Petition, of which notice was given by Councillor Doutney, was laid on the table:

"Dear Lord Mayor & CEO of The City of Sydney. We would like to demonstrate to the City of Sydney that the local community of Glebe, Forest Lodge, Blackwattle Bay, Annandale, Lilyfield and surrounding suburbs of residents and business owners, who actively frequent the Bicentennial & Federation Parklands, have expressed with utmost certainty their appreciation and need for our arts space and coffee counter to remain in our current location, as the intended commercial development being fast tracked in the area threatens our tenancy.

We would like to continue to remain in this location, as we have done for many years, to continue to service the community with our performing and visual arts, The Archway 1 Theatre Company and Coffee counter, as well as our Archetype Gallery. Our aim is for council to recognize and acknowledge, the community benefits and value that our arts and cultural incentive has for those local residents who frequent the park, as well as the wider community."

Moved by Councillor Doutney, seconded by Councillor Kemmis -

It is resolved that the Petition on The Archway Theatre be received and noted.

Carried unanimously.

ITEM 6 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 16 NOVEMBER 2015

PRESENT

Councillor Clover Moore
(Chair)

Councillor Robyn Kemmis
(Deputy Chair)

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

At the commencement of business at 1.04pm those present were -

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

Immediately following the opening of the meeting, the Chair (the Lord Mayor) spoke about the recent terrorist attacks in Paris and Beirut. At the request of the Lord Mayor, all Councillors, staff and members of the public present stood to observe one minute's silence for the victims of these attacks.

Apologies

Councillor Jenny Green extended her apologies for her inability to attend the meeting of the Corporate, Finance, Properties and Tenders Committee as she was working overseas.

Moved by Councillor Kemmis, seconded by Councillor Doutney –

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

Carried unanimously.

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 2.29pm.

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 16 November 2015 be received, and the recommendations set out below for Items 6.3 to 6.5 inclusive and 6.7 to 6.15 inclusive be adopted, with Item 6.1 being noted, and Items 6.2 and 6.6 being dealt with as shown immediately following those items.

Carried unanimously.

ITEM 6.1**DISCLOSURES OF INTEREST**

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 6.2 on the agenda in that she is a member of Friends of Erskineville, an organisation which has been awarded free rent of a Council property.

No other 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**2015/16 QUARTER 1 REVIEW - DELIVERY PROGRAM 2014-2017 (S096187)**

It is resolved that Council:

- (A) note the financial performance of Council for the first quarter, ending 30 September 2015, including the Quarter 1 Net Surplus of \$29.9M as outlined in the subject report and summarised in Attachment A to the subject report;
- (B) note the Quarter 1 Capital Works expenditure of \$40.3M, a revised full year forecast of \$267.2M and approve the proposed adjustments to the adopted budget, including the transfer of \$0.01M from capital works contingency as detailed in Attachment B to the subject report;
- (C) approve the transfer of \$0.75M from CEO Contingency to General Contingency, to reflect council approved recommendations as discussed in paragraph 15 and detailed within the Contingency Report included at Attachment A;
- (D) note the Quarter 1 Plant and Assets expenditure of \$2.3M, net of disposals, and full year forecast of \$22.5M;
- (E) note the Information Services Capital Works expenditure of \$1.1M, net of disposals, and a full year forecast of \$10.6M; and
- (F) note the supplementary reports, including contracts issued over \$50,000, major legal issues and the Quick Response, Banner Pole and Reduced Rate Grant Programs in Quarter 1, as detailed in Attachment C to the subject report.

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

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

Carried unanimously.

ITEM 6.3

INVESTMENTS HELD AS AT 31 OCTOBER 2015 (S034147)

It is resolved that the Investment Report as at 31 October 2015 be received and noted.

Carried unanimously.

ITEM 6.4

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16 - ADOPTION (S048524)

It is resolved that Council adopt the draft Councillors' Expenses and Facilities Policy 2015/16, shown at Attachment A to the subject report.

Carried unanimously.

The Councillors' Expenses and Facilities Policy 2015/16, as adopted by Council, is as follows:

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

Part 1 – INTRODUCTION

PURPOSE

Section 252 of the Local Government Act 1993 requires Councils to adopt a policy for the payment of expenses incurred by, and the provision of facilities to the Lord Mayor, Deputy Lord Mayor and Councillors. The Lord Mayor, Deputy Lord Mayor and Councillors can only be reimbursed for expenses and provided with facilities, in discharging the functions of their civic office and in accordance with the City of Sydney's Councillors' Expenses and Facilities Policy (the Policy).

Claims by Councillors for resources and expenses not included in this Policy cannot be approved in accordance with clause 403 of the Local Government (General) Regulation 2005.

This Policy ensures there is accountability and transparency in the reimbursement of expenses incurred by Councillors which are acceptable to and meet the expectations of the local community.

STATEMENT OF PRINCIPLES

Councillors elected to the City of Sydney are responsible for Australia's primary global city with an estimated 1.2 million residents, workers and visitors in our city daily.

With a budget for income from continuing operations of \$587 million and budgeted capital expenditure of \$290 million, the City of Sydney is unique within the Local Government environment.

Given the global city status of the City of Sydney, there is an expectation that Councillors will represent the City at many city, state and national business, community, cultural and stakeholder forums. This is in addition to Councillors' responsibilities to residents, workers and visitors in the City.

Councillors are entitled to be provided with the necessary resources and facilities and for expenses to be reimbursed in order to enable them to fully perform the role of a Councillor.

In view of Sydney's role as Australia's leading capital and global city, and at the same time recognising the special role of the Lord Mayor, this Policy also allows for the payment of additional expenses and the provision of additional resources. Additional facilities and resources are also provided for the Deputy Lord Mayor.

Equipment and resources will be compatible with and of the same standard as other Council equipment and resources.

Council's services, as detailed in this Policy, are available to Councillors while carrying out the functions of civic office. These services, unless specified, are not available for use by a spouse, partner or members of a Councillor's family.

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

Councillors are encouraged to pool or share facilities in order to make the best use of Council's resources. Councillors are also encouraged to limit their use of the expenses and facilities provided for in this Policy to the minimum required to enable them to effectively and efficiently discharge the functions of their civic office.

Unless otherwise stated in this Policy, all requests for services, facilities or reimbursement are to be directed to the Secretariat Unit.

Expense limits apply to several categories of expenditure. If an expense limit applies it will be shown against that item. Councillors who exceed an annual limit will be required to reimburse Council. Please note that all expense limits are exclusive of GST.

Facilities supplied to Councillors are not to be converted or modified in any way and may only be used for carrying out the functions of civic office.

This Policy is to be read in conjunction with the City's Code of Conduct.

Part 2 – PAYMENT OF EXPENSES

2.0 RESPONSIBILITY AND ACCOUNTABILITY

- 2.1 Councillors are responsible for providing original receipts to support claims for reimbursement of expenses and to complete any documentation in support of a claim for reimbursement. Only those expenses explicitly covered in this Policy will be reimbursed.
- 2.2 Unless otherwise stated in this Policy, requests for reimbursement must be received within two months of the date of the cost being incurred, or issue date of a periodic statement or billing summary detailing the expenditure incurred by the Councillor. Requests for reimbursement received outside of this time limit may be accepted in exceptional circumstances, subject to the approval of the CEO.
- 2.3 Any advance payment made for the cost of a service associated with a civic duty must be reconciled within two months of receiving such payment.
- 2.4 The Policy must be submitted to the Office of Local Government by 30 November each year or at a time specified by the Office of Local Government.
- 2.5 The Policy is available on the City of Sydney website.
- 2.6 A statement of the total amount expended on the provision of these facilities and resources will be included in the Annual Report. This is a requirement of Section 428 of the Local Government Act 1993.

3.0 ADDITIONAL EXPENSES AND FACILITIES FOR THE DEPUTY LORD MAYOR

- 3.1 The Deputy Lord Mayor is entitled to administrative support services equivalent to two full time staff. The provisions of clause 28.2 apply.

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

- 3.2 A Council vehicle and driver is available to assist them to carry out the duties of Deputy Lord Mayor for journeys in the Sydney metropolitan region. The Council vehicle and driver may only be used where the purpose of the transport is directly related to the functions of the Council. Such vehicle and driver will be available for other duties when not utilised by the Deputy Lord Mayor.
- 3.3 The Deputy Lord Mayor is entitled to ISD telephone access.
- 3.4 In the event a new Deputy Lord Mayor is elected, both the incoming and outgoing Deputy Lord Mayor shall be entitled to new corporate letterhead, notepaper and business cards.

4.0 ADDITIONAL EXPENSES AND FACILITIES FOR THE LORD MAYOR

- 4.1 The Office of the Lord Mayor operates to provide support to the Lord Mayor in carrying out their civic responsibilities. It is allocated a budget by Council on an annual basis and within that budget staff and other resources may be employed as considered appropriate by the Lord Mayor.

4.2 Attendance at Conferences, Seminars and Meetings

The Lord Mayor may attend meetings, with Council meeting the cost of travel, accommodation and subsistence, as follows:

- (a) Council of Capital City Lord Mayors (while Council remains a CCCLM member);
- (b) Australian Local Government Association;
- (c) Local Government NSW;
- (d) meetings interstate and intrastate with representatives of the Commonwealth Government, State Governments, capital city local governments and regional local governments, or other bodies on city related issues; and
- (e) other kinds of meetings relevant to the functions of the City of Sydney or the Lord Mayor's functions of office approved from time to time by Council.

Subject to Council approval, the Lord Mayor is entitled to be accompanied on trips overseas by other Councillors and/or relevant staff.

4.3 Other Facilities

The Lord Mayor may be provided with other necessary assistance to enable the Lord Mayor to carry out the duties of civic office. Such assistance may include but is not limited to the following:

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

- (a) Council vehicle (Toyota Prius), including a fuel card and driver for local and intrastate journeys (including Canberra) to assist them to carry out the duties of civic office. The vehicle and driver are to be available for other duties when not utilised by the Lord Mayor. The Lord Mayor's vehicle is maintained and replaced in accordance with the City of Sydney Motor Vehicle Policy;
- (b) the Lord Mayor is entitled to ISD telephone access;
- (c) the Lord Mayor has use of the Reception Room and the Lady Mayoress' Room. These rooms may be made available for use by other Councillors, subject to availability and the Lord Mayor's approval (see clause 23.2); and
- (d) from time to time, the Lord Mayor incurs expenses in carrying out the role, e.g., attendance at functions, dry cleaning, entertainment, etc, outside the Town Hall building. For convenience, a corporate credit card is made available, if required, for the Lord Mayor's use while discharging the functions of the Lord Mayor.

5.0 ANNUAL FEES

5.1 Council has resolved that:

- (a) having regard to the Local Government Remuneration Tribunal's determination of a fee range for Councillors and the Lord Mayor, Council shall always pay the maximum fees as determined by the Tribunal; and
- (b) the Deputy Lord Mayor's fees, to be deducted from the gross Lord Mayor's fee, shall be equal to 10% of the mayoral fee actually paid to the Lord Mayor.

5.2 Councillors are to be paid monthly in arrears in accordance with the provisions of the Local Government Act 1993.

6.0 CARER EXPENSES (\$4,000)

6.1 Criteria

An annual limit of \$4,000 for each Councillor will apply to Carer Expenses.

A carer is a person who cares for a dependent child or another immediate family member, such as a family member with a disability.

Immediate family members include the carer's current or former spouse or domestic partner. Immediate family also includes a child, parent, grandparent or sibling of either the carer or the carer's spouse or domestic partner.

Aboriginal or Torres Strait Islanders who care for a family member related according to Aboriginal or Torres Strait Islander kinship rules are protected as carers.

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

Expenses for alternative carer arrangements, including child care expenses and the care of elderly, disabled and/or sick immediate family members of Councillors, are payable when a Councillor attends:

- (a) Council meetings, committee meetings, sub-committee meetings, inspections, formal briefing sessions and civic or ceremonial functions convened by the Lord Mayor or Council;
- (b) meetings scheduled by Council or the Lord Mayor;
- (c) meetings necessary for the Councillor to exercise a delegation given by Council or meetings arising from their official role as chairperson of a standing committee;
- (d) meetings arising as a result of a Councillor being appointed by Council to an outside body or committee;
- (e) a meeting, function or other official role as a representative of the Lord Mayor or Council; and
- (f) functions where the payment of carer expenses has been approved by the Chief Executive Officer.

6.2 Fees

Carer expenses may consist of:

- (a) child care centre fees;
- (b) hourly fees;
- (c) agency booking fees (if claimed); and
- (d) reasonable travelling expenses (if claimed by the carer).

Fees are payable per hour (or part of an hour) subject to any minimum period which is part of the care provider's usual terms, to a maximum hourly rate approved by the Chief Executive Officer. An annual limit of \$4,000 applies.

Travelling expenses cover the transport costs of the carer to and from the Councillor's residence or of the person to be cared for to and from the place of care.

Claims must be accompanied by a receipt from the care provider showing the date and time care was provided and details of the reason care was needed on each occasion.

7.0 COMMUNICATIONS AND MOBILE DEVICES (\$4,000)

- 7.1 An annual limit of \$4,000 for each Councillor will apply to communications and mobile device usage outside the Councillor's Town Hall office.

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

- 7.2 Those communications may comprise any of the following:
- (a) one mobile electronic communication device, e.g., i-Phone, with approved accessories is available for the use of each Councillor, including monthly service fees;
 - (b) one i-Pad (including protective case and keyboard);
 - (c) one multi-function device capable of printing and scanning; and
 - (d) one 4G mobile broadband device available for the use of each Councillor, including monthly service fee.

7.3 Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a Councillor.

7.4 Equipment provided will be Council standard.

7.5 Mobile electronic communication device use is to be in accordance with the City's Mobile Device Policy.

8.0 CONFERENCES INTERSTATE (\$3,000)

8.1 Councillors may attend conferences or seminars outside New South Wales (including the ACT), at Council expense provided the Chief Executive Officer and the Lord Mayor approve the Councillor's attendance.

8.2 Overnight Accommodation

Council will pay reasonable costs of overnight accommodation for stays outside the Sydney metropolitan region. Expenses are payable for the nights of the conference or seminar and the night before and after where necessary.

These costs are included in the total permitted per annum for reimbursement as identified in Clause 8.4.

8.3 Meals

Council will pay for all meals for Councillors attending approved conferences or seminars, where any of those meals are not provided as part of the conference or seminar fee. Council will also pay the reasonable cost of beverages accompanying a meal.

These costs are included in the total permitted per annum for reimbursement as identified in Clause 8.4.

8.4 The annual limit for attending conferences or seminars outside NSW (including the ACT) including registration, travel, accommodation and meal expenses, is \$3,000 for each Councillor.

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16**9.0 CONFERENCES INTRASTATE (\$2,000)**

- 9.1 Council will pay expenses, including but not limited to registration fees, associated with attending conferences or seminars within New South Wales (excluding the ACT). Payment may be made in advance for any of these expenses. The conference or seminar must be directly relevant to the operations of Council.
- 9.2 Councillors may attend local conferences and seminars without separate approval and at Council expense provided:
- (a) the all-inclusive cost of the Councillor's attendance at each conference or seminar does not exceed \$200; or
 - (b) the Chief Executive Officer and Lord Mayor approve the Councillor's attendance at a conference or seminar where the all-inclusive cost exceeds \$200.
- 9.3 The annual limit for attending conferences or seminars within NSW (excluding the ACT) is \$2,000 for each Councillor.

10.0 COUNCIL CONCERTS AND PUBLIC ENTERTAINMENT

- 10.1 Councillors will be offered tickets to events that the City sponsors where tickets are included in the sponsorship agreement.

11.0 COUNCIL REPRESENTATION AT NON-COUNCIL FUNCTIONS (\$1,000)

- 11.1 The annual limit for attending dinners and other non-council functions which are relevant to Council's interest is \$1,000 for each Councillor.
- 11.2 The approval of the Chief Executive Officer is required for attendance at non-council functions where the cost exceeds \$200.
- 11.3 No payment shall be reimbursed for any component of a ticket that is additional to the service cost, such as a donation to a political party or candidate's electoral fund or any other private benefit.

12.0 DOMESTIC TRAVEL

- 12.1 Council will pay reasonable expenses for domestic travel related to the functions of Council.
- 12.2 Councillors may choose the mode of transport which is most appropriate to the circumstances, subject to overall economy and convenience. All travel should be undertaken by utilising the most direct route and the most practicable and economical mode of transport.
- 12.3 Airline tickets are not transferable and cannot be used for defraying or offsetting any other costs, including the costs of other persons accompanying the Councillor.

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

- 12.4 Prior approval is required (from the Chief Executive Officer and the Lord Mayor) for interstate travel. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.
- 12.5 In addition to the provisions of clauses 12.1 to 12.4, the following standing authorities are deemed to exist as at the date of this Policy:
- (a) the attendance by Council's official delegates at the annual Local Government NSW Conference; and
 - (b) the attendance by the Lord Mayor or other Councillors at meetings interstate, including Canberra, explicitly for the discussion of issues related to the functions of the City of Sydney or agreements between Council and the Commonwealth, such attendance to be explicitly approved by the Chief Executive Officer and the Lord Mayor in each case.

Costs associated with (a) and (b) above are not to be included within the capped expenditure limits detailed in clauses 8.4 and 9.3.

12.5 Class of Air Travel

Unless otherwise specified in a Resolution of Council, the class of air travel to be used by a Councillor is to be:

- (a) for continuous journeys of less than or equal to two hours duration, economy class;
- (b) for continuous journeys exceeding two hours, business class; and
- (c) the Lord Mayor, and other Councillors accompanying the Lord Mayor, may travel Business Class.

A journey which is interrupted by an overnight stop-over is not a continuous journey.

In the case of travel via a non-direct route, travel expenses are payable for the amount which would have been incurred if the most direct route had been available and followed at the same class of travel as was actually used. A claim for expenses must not exceed the amount actually paid.

12.6 Use of Private Car

Where a Councillor uses their private vehicle, including car share and vehicle rental, to attend an approved conference or seminar outside the Sydney metropolitan region, the total claim for use of the vehicle must not exceed the cost of air travel at the specified class, plus the taxi fares to and from the airports. Reimbursement rates and procedures are the same as for local transport – see clause 17.5.

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

12.7 Train Travel

Train travel may be first class, including sleeping berths where necessary.

12.8 Transfers

Taxis, coaches and other transfer transport expenses, including at the destination point, may be reimbursed for approved travel. (See clause 8.4 for the annual limit on expenses for attending conferences outside NSW (including the ACT) and clause 9.3 for the annual limit on expenses for attending conferences within NSW (excluding the ACT)).

13.0 EXPENSES AND FACILITIES FOR COUNCILLORS WITH DISABILITIES

13.1 For any Councillor with a disability, Council may resolve to provide reasonable additional facilities and expenses, in order to allow that Councillor to perform their civic duties.

14.0 INSURANCE

14.1 Councillors are covered under the following Council insurance policies on a 24 hour basis while discharging the duties of civic office, including attendance at meetings of external bodies as Council's representative:

- (a) Public Liability Insurance;
- (b) Professional Indemnity Insurance;
- (c) Councillors and Officers Liability Insurance;
- (d) Personal Accident Insurance, (accompanying partners are also covered);
and
- (e) International and Domestic Travel Insurance.

14.2 Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers.

15.0 INTERNATIONAL TRAVEL

15.1 Detailed proposals for overseas travel, including the benefits to Council, a list of associated costs and anticipated expenses must be included in the Council business papers and approved by a meeting of Council prior to a Councillor undertaking a trip. Travel to be approved on an individual trip basis.

15.2 Airline tickets are not transferable and cannot be used for defraying or offsetting any other costs, including the costs of other persons accompanying the Councillor.

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

15.3 Class of Air Travel

Unless otherwise specified in a Resolution of Council, the class of international air travel to be used by a Councillor is to be business class.

In the case of travel via a non-direct route, travel expenses are payable for the amount which would have been incurred if the most direct route had been taken.

15.4 Reports on Attendance

For overseas meetings, conferences or seminars, a report or relevant material must be prepared for circulation to the Council and review by the public within six months of the travel undertaken.

16.0 LEGAL COSTS

Councillors are entitled to reimbursement of legal expenses in the circumstances, and to the extent, described in this clause 16.

16.1 In the particular circumstances outlined below, Council may indemnify or reimburse the reasonable legal expenses of:

- (a) a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers); or
- (b) a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act; or
- (c) a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor.

16.2 Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act should be distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. An example of the latter is expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain. This latter type of expense will not be reimbursed by Council.

16.3 Any reimbursement of legal expenses for a matter before an investigative body will be where the inquiry or investigation has proceeded past an initial assessment phase to a formal investigation or review.

16.4 Where possible, prior approval should be sought from the Lord Mayor and Chief Executive Officer before legal expenses are incurred.

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

- 16.5 A Council may not meet the costs of an action in defamation taken by a Councillor or Council employee as plaintiff in any circumstances.
- 16.6 A Council may not meet the costs of a Councillor or council employee seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
- 17.0 LOCAL TRANSPORT (\$6,000)**
- 17.1 Councillors may use cab charge vouchers/cards for taxi travel for journeys in the Sydney metropolitan region to assist them to carry out their functions as Councillors.
- 17.2 At the end of each cab charge billing period, each Councillor will receive a statement detailing taxi journeys undertaken during that period. Councillors are required to check the statement, complete a "CabCharge Usage" form by providing the details of, and reasons for, each journey and submit the completed form, and matching receipt for each journey detailed on the statement, to Secretariat within two months of the statement date.
- 17.3 Bus and rail tickets may also be provided.
- 17.4 When available, Council vehicles and drivers may be utilised by Councillors for journeys in the Sydney metropolitan region to assist them to carry out their functions as Councillors. Requests should be directed to the Civic Functions Manager. The costs will be allocated at an hourly rate and will vary depending on whether overtime is applicable. Costs associated with driving Councillors when they are representing the Lord Mayor will not be included in the monetary cap.
- 17.5 Councillors using their private vehicles to travel to and from meetings of Council and Committees of Council, and to carry out their other Council functions, may be reimbursed according to the rates prescribed by the Australian Tax Office. All references to private vehicles also include car share and rental vehicle use.
- 17.6 A record of private vehicle use must be maintained by the Councillor and submitted on a monthly basis using the log book provided. The record shall contain details of the Council business for which the travel was undertaken, dates, destinations, number of kilometres and any tolls, for which receipts must be provided.
- 17.7 Car parking fees incurred while conducting Council business will be reimbursed on the basis of original receipts and relevant details regarding the purpose, date and time of the meeting or function.
- 17.8 The driver of the vehicle is personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business.
- 17.9 Councillors are able to claim reimbursement for any bicycle hireage costs used for transport while on Council business. Secure storage space is provided for Councillors in the car park of Town Hall House, 456 Kent Street.

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

17.10 The annual limit for all local transport expenses indicated above is \$6,000 for each Councillor.

18.0 NAME BADGE

18.1 Each Councillor is entitled to two standard name badges.

19.0 NEWSPAPERS

19.1 Each Councillor is entitled to have two daily newspapers delivered to their home or Town Hall office each day, or on-line subscriptions to those newspapers to the same value.

19.2 Councillors are responsible for arranging the delivery of newspapers to their home, or on-line subscriptions and seeking reimbursement.

20.0 POSTAGE (\$1,500)

20.1 Each Councillor will be entitled to post, in Council supplied envelopes, 200 standard mail items or equivalent per month cumulative within each financial year, up to a value of \$1,500 per year.

20.2 In addition to the \$1,500 capped allowance, Councillors will also be supplied with up to 600 corporate Christmas Cards or other cards specific to similar cultural festivals and envelopes of standard size, with the cost of postage not to be included in the entitlement of 200 standard mail items per month.

20.3 The limitation on mail items does not apply to the Lord Mayor.

21.0 PUBLICATIONS

21.1 Councillors are entitled to one copy, for their own use, of any historical or other books published by or for Council. Additional copies can be obtained, with the Lord Mayor's approval, for use as official gifts or presentation items.

21.2 Councillors are entitled to be reasonably supplied with journals, magazines and other publications of their choice relevant to their civic duties.

22.0 REFRESHMENTS FOR COUNCIL RELATED MEETINGS (\$3,000)

22.1 Food and beverages will be available for Council meetings, Council Committee meetings, Central Sydney Planning Committee meetings, other official Council Committees, Councillor briefings, and approved meetings or engagements, and official Council functions as approved by the Lord Mayor and Chief Executive Officer.

22.2 Councillors will be reimbursed reasonable out-of-pocket expenses incurred whilst entertaining visiting dignitaries on behalf of Council. The Lord Mayor and Chief Executive Officer must give prior approval to any such entertainment.

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

- 22.3 Food and beverages can be arranged for Councillors through Civic Functions and/or other providers as nominated by the Chief Executive Officer.
- 22.4 Councillors' office refrigerators will contain beverages for the use of Councillors and their guests in relation to Council business.
- 22.5 The annual combined limit for Clauses 22.3 and 22.4 is \$3,000 for each Councillor.

23.0 ROOM USE

Sydney Town Hall

- 23.1 The VIP Boardroom, Finance Room, Treasury Room and Council Chamber may be booked at no cost for meetings in the exercise of the Councillor's civic duty.
- 23.2 Councillors may use other Civic Rooms within the Sydney Town Hall at no cost for meetings of up to approximately 50 people, subject to availability and the approval of the Lord Mayor.
- 23.3 Bookings may be made through the Civic Functions Manager.

Other Venues

- 23.4 Meeting rooms in other City of Sydney venues, such as Town Halls, Town Hall House and community centres, may be booked at no cost for meetings of up to approximately 50 people, subject to availability, in the exercise of the Councillor's civic duty.
- 23.5 Booking requests are to be made through the Executive Manager Office of the CEO who will then seek the approval of the Chief Executive Officer in consultation with the Lord Mayor.
- 23.6 All Councillors are to be invited to the meeting.
- 23.7 Meetings which may be perceived to be of a political nature will not be approved for free use. Venue usage in those circumstances would be charged at the current community rate.

24.0 SPOUSE/PARTNER/ACCOMPANYING PERSON (\$600)

- 24.1 The cost of a spouse, partner or accompanying person attending official Council functions of a formal and ceremonial nature is appropriate when accompanying a Councillor:
- (a) within the local government area;
 - (b) outside the Council's area but within the State when representing the Lord Mayor; and

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

- (c) at the annual conference of Local Government NSW with costs limited to the cost of registration and official conference dinners.
- 24.2 Official Council functions include, but are not limited to, Australia Day award ceremonies, citizenship ceremonies, civic receptions and charitable functions for charities formally supported by Council.
- 24.3 The payment of expenses, up to an annual limit of \$600 for each Councillor, for spouses, partners or accompanying persons is appropriate for attendance at community and charity functions held within or contributing to the local government area.
- 24.4 The payment of expenses for spouses, partners or accompanying persons attending appropriate functions shall be limited specifically to the ticket and meal. Other expenses such as grooming, special clothing and transport will not be reimbursed.

25.0 STATIONERY

- 25.1 Councillors will be supplied with corporate standard Councillors' letterhead, note paper, envelopes and business cards. The letterhead will display one Councillor's name only. Groups and affiliations are not to be displayed on Councillors' letterhead.
- 25.2 Council stationery is not to be converted or modified in any way and may only be used for carrying out the functions of civic office.

26.0 TABLE PURCHASING FOR CHARITY AND FUNDRAISING EVENTS

- 26.1 Under the Guidelines for Purchasing Tables at Charity and Fundraising Events, adopted by Council on 7 May 2007, the Chief Executive Officer is authorised to make the decision on the purchase of tables at fundraising or charity events, in consultation with the Lord Mayor.
- 26.2 The following guidelines apply when determining whether a table should be purchased for a charity or fundraising event.

Priority will be given to purchasing tables for events/functions which:

- (a) contribute toward a coordinated approach to service delivery and the development of responses to emerging social, community, cultural or economic issues;
- (b) strengthen formal and informal support networks, reduce isolation and increase community participation and opportunities;
- (c) increase access to and the achievement of basic rights for people with the greatest need;
- (d) promote a balanced debate aimed at achieving social harmony;

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

- (e) raise funds for a cause or organisation which is in keeping with the City's interests or experiencing exceptional circumstances involving genuine hardship; and
- (f) events linked to the corporate and strategic objectives of the City.

27.0 TRAINING, EDUCATIONAL AND PROFESSIONAL BODY MEMBERSHIP EXPENSES (\$20,000 total for all Councillors)

- 27.1 Council will allocate up to \$20,000 per year for training and development courses, conferences and attendances at seminars and briefings and professional body membership expenses that are directly related to the Councillor's civic functions and responsibilities. However, Council may agree to allocate additional funding in specific cases where it decides there is a benefit to Council from the attendance or membership. This allocation is for all Councillors and the Chief Executive Officer will ensure that access to training and education courses and expenses relating to professional body membership is distributed equitably.
- 27.2 Approval to attend training and education courses and professional body membership is subject to a written request to the Chief Executive Officer outlining the details of the proposed training or education or professional body membership, the benefits for Council and how it relates to the Councillor's civic functions and responsibilities.
- 27.3 Corporate training, such as training in the Codes of Conduct and Meeting Procedure, will be met from provisions in the corporate budget.

Part 3 – PROVISION OF FACILITIES

28.0 SUPPORT SERVICES

- 28.1 Each Councillor will be provided with support services equivalent to one full time staff. Any hours worked in excess of this entitlement will only be paid as a result of these staff attending Council and Council Committee meetings after 5.00pm or as approved in advance by the Executive Manager, Office of the CEO. Such staff will be recruited by the Chief Executive Officer, in consultation with the relevant Councillor(s). (See clauses 4.0 and 3.0 for Administrative Services for the Lord Mayor and Deputy Lord Mayor).
- 28.2 A generic position description for these positions is to be approved by the Chief Executive Officer.
- 28.3 Councillors' staff will be provided with a workstation or equivalent, a personal computer connected to Council's network, a printer, land line phone and iPad.
- 28.4 Services available to Councillors in their Town Hall office will include access to the following:
 - (a) a multi-function device;

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

- (b) paper shredder;
- (c) dictaphone;
- (d) a multi-function headset capable of integration with a desk phone, mobile phone and internet phone; and
- (e) day-to-day stationery and other minor office equipment.

In each case the equipment will be Council standard.

29.0 BUILDING ACCESS AND PARKING

- 29.1 Each Councillor will receive one security card and one key fob, allowing them 24 hour access to appropriate areas within the Town Hall and Town Hall House.
- 29.2 Each Councillor is entitled to the use of one parking space accessible on a 24 hour basis in the Town Hall House car park.

30.0 HOME/WORKPLACE FACILITIES

- 30.1 Each Councillor is entitled to any equipment, deemed essential for the Councillor to discharge the functions of their civic office as approved by the Lord Mayor and Chief Executive Officer.
- 30.2 Councillors should not obtain private benefit from the provision of equipment and facilities. It is acknowledged, however, that incidental use of Council equipment and facilities may occur from time to time. If substantial private use of Council equipment does occur, Councillors will be charged at the market rate.
- 30.3 Council facilities, equipment and services are only to be used for Councillors' civic duties.
- 30.4 All equipment and facilities remain the property of Council. On cessation or expiration of a Councillor's term of office, use of equipment and facilities must cease immediately. Equipment and facilities must be returned to Council no later than 14 days from the date of cessation or expiration of a Councillor's term of office, or such other time period as may be specified by the Chief Executive Officer for the return of equipment and facilities.

31.0 OFFICES

- 31.1 Councillors will be provided with office accommodation in the Sydney Town Hall. The location of the office, the standard of accommodation, and expenditure on furniture and fit out are to be approved by the Chief Executive Officer. The standard will be such as to enable Councillors to satisfactorily carry out their civic duties.
- 31.2 Councillors will be entitled to a personal computer in their Town Hall office. In lieu of a personal computer, Councillors may ask for a lap-top computer for use at their home, non-Council workplace and Town Hall office.

COUNCILLORS' EXPENSES AND FACILITIES POLICY 2015/16

- 31.3 A standard Council printer will be provided in each individual Town Hall office.
- 31.4 Computer usage is subject to City policy (including Internet and Email Policy) and is to be used only in the execution of the Councillors' civic responsibilities.
- 31.5 Computer training in the use of the computer systems provided by Council will be available at Council's expense.
- 31.6 Maintenance, telephone line rental, fax and call costs for telephones in Councillors' Town Hall offices (including STD calls on Council business only) will be at Council's expense. Town Hall office phones will be connected to voicemail.

Authority: Sections 252-254 Local Government Act 1993
Resolution of Council 23 November 2015

Review Date: By 30 November each year.

File Reference: S048524

Related policies and other documents: Code of Conduct
Internet and Email Policy
Petty Cash Policy
Mobile Device Policy
Motor Vehicle Policy

Owner: Secretariat, Office of the CEO

This Policy supersedes any previous policies concerning the provision of expenses and facilities to Councillors.

ITEM 6.5

EXEMPTION FROM TENDER - SYDNEY CHRISTMAS - PITT STREET MALL CATENARY LIGHTING INSTALLATION (S126404.007)

It is resolved that Council:

- (A) approve exemption from tender for the additional works associated with the installation of the canopy lighting system in Pitt Street Mall in accordance with section 55, Chapter 6, Part 3 of the Local Government Act 1993, as a result of the extenuating circumstances set out in the subject report;
- (B) approve the current contract extension to include the additional works required for the installation of the canopy lighting system, as detailed in confidential Attachment A to the subject report; and
- (C) note the financial implications detailed in confidential Attachment A to the subject report.

Carried unanimously.

ITEM 6.6

TENDER - 1-5 FLINDERS STREET - BIKE AND COMMUNITY HUB (S105047)

It is resolved that:

- (A) Council reject all tenders received for the delivery of the Taylor Square Bike and Community Hub at 1-5 Flinders Street, Darlinghurst, for the reasons set out in this memorandum;
- (B) authority be delegated to the Chief Executive Officer (CEO) to enter into negotiations with suitably qualified parties to undertake the scope of works as detailed in the Request for Tender;
- (C) authority be delegated to the CEO to enter into contracts, subject to the conclusion of negotiations, with the successful parties;
- (D) Council be informed of the successful parties via CEO Update; and
- (E) Council approve permanent closure of Patterson Lane, Surry Hills to vehicles between Flinders and Bourke Street, under section 116 of the Roads Act 1993.

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

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

The motion was carried on the following show of hands –

Ayes (6) The Lord Mayor, Councillors Doutney, Green, Kemmis, Kok and Mant.

Noes (4) Councillors Forster, Mandla, Scott and Vithoulikas.

Motion carried.

ITEM 6.7**TENDER - GREEN SQUARE CREATIVE CENTRE COMMUNITY FACILITIES AND PARK - 3 JOYNTON AVENUE ZETLAND (\$109066)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the Green Square Creative Centre Community Facilities and Park at 3 Joynton Avenue, Zetland;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) Council approve the transfer of funds from the 2015/16 Green Infrastructure Centre project budget and the bringing forward of funds from the South Sydney Hospital Stage 2 project forward estimates in 2022/23 into the 2016/17 financial year of this project as outlined in confidential Attachment A to the subject report.

Carried unanimously.

ITEM 6.8**TENDER - GREEN SQUARE TOWN CENTRE - STREET TREE SUPPLY (\$105612)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for supply of street trees for Green Square Town Centre Essential Infrastructure and Public Domain project; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

ITEM 6.9**TENDER - SYDNEY PARK BRICK KILNS - WATERPROOFING AND ALCOVE SCREENS INSTALLATION PROJECT (\$123791)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'B' for the Sydney Park Brick Kilns – waterproofing and alcove screens installation project; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

ITEM 6.10

TENDER - REPAIRS TO A RETAINING STRUCTURE AT ONSLOW AVENUE ELIZABETH BAY (S120963)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for repairs to a retaining structure at Onslow Avenue, Elizabeth Bay; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

ITEM 6.11

TENDER - RETAINING WALL AND BEAM REMEDIATION AT THOMSON STREET DARLINGHURST (S125428)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for retaining wall and beam remediation at Thomson Street, Darlinghurst; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

ITEM 6.12

TENDER – COLBOURNE AVENUE AND LYNDHURST STREET IMPROVEMENTS - GLEBE (S111823)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Colbourne Avenue and Lyndhurst Street improvements works; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

ITEM 6.13**TENDER - MANAGED WEB HOSTING (X001450.001)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'E' for Part A, and the tender offer of Tenderer 'B' for Part B, for a period of three years, for managed web hosting services, with two further options of one year, subject to satisfactory performance;
- (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**TENDER - MEDIA MONITORING AND DISTRIBUTION (X001438)**

It is resolved that:

- (A) Council reject all tenders received for media monitoring and distribution for the reasons set out in confidential Attachment A to the subject report;
- (B) Council not invite fresh tenders, as it is considered that inviting fresh tenders would be unlikely to deliver a better result;
- (C) authority be delegated to the Chief Executive Officer (CEO) to enter into negotiations with contractors that are suitably qualified and demonstrate a capability to fully undertake the scope of works; and
- (D) authority be delegated to the CEO to enter into a contract, subject to the conclusion of negotiations, with suitable companies for the delivery of both media monitoring and distribution.

Carried unanimously.

ITEM 6.15**TENDER - BUILD AND DELIVERY OF ZODIAC LANTERNS (S125686.003)**

It is resolved that:

- (A) Council accept the tender offer of Tenderers 'A', 'C' and 'D' for the build and delivery of Zodiac lanterns for a period of 12 months; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

ITEM 7 REPORT OF THE ENVIRONMENT COMMITTEE - 16 NOVEMBER 2015

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

Councillor Irene Doutney
(Deputy Chair)

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

At the commencement of business at 2.46pm those present were -

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

Apologies

Councillor Jenny Green extended her apologies for her inability to attend the meeting of the Environment Committee as she was working overseas.

Moved by Councillor Doutney, seconded by Councillor Kemmis -

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

Carried.

The meeting of the Environment Committee concluded at 3.15pm.

Report of the Committee

Moved by Councillor Doutney, seconded by Councillor Kemmis -

That the report of the Environment Committee of its meeting of 16 November 2015 be received, and the recommendations set out below for Items 7.3, 7.5 and 7.6 be adopted, with Item 7.1 being noted, and Items 7.2 and 7.4 being dealt with as shown immediately following those items.

Carried unanimously.

ITEM 7.1

DISCLOSURES OF INTEREST

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 7.4 on the agenda in that she is employed by the University of Sydney, which is the part-owner of the Stucco Co-operative Limited building, however, the proposed grant to the Stucco Co-operative is not related to her work at the University.

Note – Following the conclusion of the Environment Committee meeting, but prior to the conclusion of the Cultural and Community Committee meeting, Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 7.4 on the agenda in that he is on the Board of Governors of WWF-Australia, which is a proposed grant recipient.

No other 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

CONFERENCE OF THE PARTIES TO THE UNITED NATIONS CONVENTION ON CLIMATE CHANGE, PARIS – DECEMBER 2015 (S050647)

It is resolved that Council:

- (A) endorse the Lord Mayor and two staff members' international travel to participate in the 21st Conference of the Parties; and
- (B) note the Lord Mayor will provide a report to Council after the travel.

Note – the recommendation of the Environment Committee was not adopted.

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

It is resolved that Council:

- (A) endorse the Lord Mayor and three staff members' international travel to participate in the 21st Conference of the Parties; and
- (B) note the Lord Mayor will provide a report to Council after the travel.

Carried unanimously.

ITEM 7.3

DRAFT OUTDOOR FITNESS TRAINING VOLUNTARY CODE OF CONDUCT – PUBLIC EXHIBITION (S051483)

It is resolved that Council approve the draft Outdoor Fitness Training Voluntary Code of Conduct, as shown at Attachment A to the subject report, to be exhibited for public comment for a minimum period of 28 days.

Carried unanimously.

ITEM 7.4**2015/16 ENVIRONMENTAL PERFORMANCE GRANT PROGRAMS – FOURTH ALLOCATION (S087106)**

It is resolved that:

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

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Stucco Co-operative	Solar energy with battery storage in multi-unit buildings: the first Australian demonstration	A demonstration project for incorporating battery storage into solar photovoltaic systems in domestic multi-unit complexes.	\$80,000 (exclusive of GST)	Nil	Nil
The University Of Wollongong	Impact of air tightness on commercial building environmental performance	A feasibility study investigating enhancing building air tightness to improve environmental performance in commercial buildings.	\$20,000 (exclusive of GST)	Nil	Nil
World Wide Fund For Nature Australia	Support to Implement the WWF Renewable Energy Buyers Forum in Sydney	Development of a guide for businesses in the City of Sydney on how to participate in group renewable energy purchases and procuring renewable energy.	\$20,000 (exclusive of GST)	Nil	Nil

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

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

That the recommendation of the Environment Committee be adopted.

Carried unanimously.

ITEM 7.5**KNOWLEDGE EXCHANGE SPONSORSHIP – GREEN CITIES – SUSTAINABLE CITIES AND URBAN PLANNING INNOVATION (S087107)**

It is resolved that:

- (A) Council approve cash sponsorship of \$20,000 (excluding GST) under the Knowledge Exchange Sponsorship Program to the Property Council of Australia Limited for the 2016 Green Cities conference; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with the Property Council of Australia Limited.

Carried unanimously.

ITEM 7.6**HYDE PARK SOUTH CAFÉ – PROJECT SCOPE (S122018)**

It is resolved that Council:

- (A) approve the project scope for the Hyde Park South café as described in the subject report for the purpose of proceeding with design development, any relevant planning approvals, documentation and tender for construction works; and
- (B) note the financial implications detailed in confidential Attachment C to the subject report.

Carried unanimously.

ITEM 8 REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 16 NOVEMBER 2015

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

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

At the commencement of business at 3.16pm those present were -

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

Councillor Vithoulkas left the meeting of the Cultural and Community Committee at 3.46pm prior to discussion and voting on Part B of Item 8.2 and returned at 3.47pm during discussion on Item 8.3. Councillor Vithoulkas was not present at, or in sight of, the meeting of the Cultural and Community Committee during discussion or voting on Part B of Item 8.2.

Councillor Doutney left the meeting of the Cultural and Community Committee at 3.35pm prior to discussion on the grant applications from Counterpoint Community Services Incorporated in Item 8.2, and returned at 3.37pm following the conclusion of discussion on the aforementioned grant applications.

Apologies

Councillor Jenny Green extended her apologies for her inability to attend the meeting of the Cultural and Community Committee as she was working overseas.

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

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

Carried.

The meeting of the Cultural and Community Committee concluded at 3.49pm.

Report of the Committee

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

That the report of the Cultural and Community Committee of its meeting of 16 November 2015 be received, and the recommendation set out below for Item 8.3 be adopted, with Item 8.1 being noted, and Item 8.2 being dealt with as shown immediately following that item.

Carried unanimously.

ITEM 8.1**DISCLOSURES OF INTEREST**

Councillor Angela Vithoukas disclosed a significant non-pecuniary interest in Item 8.2 on the agenda in that the founder of Monkey Baa Theatre for Young People Limited, which is a proposed grant recipient, is a very good friend of hers. Councillor Vithoukas said that, if this item could be dealt with in two parts, she would not be present for discussion or voting on the part dealing with the grant to Monkey Baa Theatre in clause (A) of the officer's recommendation.

Councillor Vithoukas also disclosed a less than significant, non-pecuniary interest in Item 8.2 on the agenda in that she has previously worked with Weave Youth and Community Services Incorporated, which is a proposed grant recipient.

Councillor Scott disclosed a less than significant, non-pecuniary interest in Item 8.2 on the agenda in that she is a member of the Surry Hills Neighbourhood Centre and a member of The Glebe Society Incorporated, both of which are proposed grant recipients.

At a later stage of the meeting, during discussion on Item 8.2, Councillor Doutney disclosed a significant, non-pecuniary interest in this item in that she is on the Board of Counterpoint Community Services Incorporated, which is one of the grant applicants that has not been recommended for funding. Councillor Doutney stated that she would not be present at the meeting during any discussion on the grant applications from Counterpoint Community Services Incorporated.

No other 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**GRANTS AND SPONSORSHIP – ROUND TWO ALLOCATION OF 2015/16 ANNUAL PROGRAMS (S117676)**

It is resolved that:

- (A) Council approve the cash grant and revenue forgone (VIK) recommendations for 2015/16 under the Cultural and Creative Grants and Sponsorship Program – Round Two listed as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Alana Valentine (Auspiced by Griffin Theatre Company Limited)	Wayside Bride	A theatre project performing the stories of local and well-known personalities married at the Wayside Chapel, Kings Cross during its 50 year history.	\$20,000	Nil	Organisation to liaise with the City's History Team to record research findings.
Asian Australian Artists Association Incorporated	Chen Qiulin: The Empty City	The first solo exhibition in Australia for prominent Chinese artist, Chen Qiulin during the Chinese New Year Festival.	\$20,000	Nil	Nil
De Quincey Company Limited	BodyWeather for Everyone	Introducing the BodyWeather dance practice to local residents at a number of community centres and venues throughout the City of Sydney Local Government Area.	\$10,000	Nil	Nil
Electrofringe Limited	EF16 (Electrofringe 2016)	A one day festival showcasing electronic and technology-based art and performance at 107 Projects, Redfern.	\$7,000	Nil	Organisation to apply in future under the Festival and Events Program.

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
First Draft Incorporated	Firstdraft Public Engagement Programs	A series of public engagement activities to encourage new audiences to the Firstdraft gallery, Woolloomooloo and providing tools for the community to participate in contemporary visual arts.	\$15,000	Nil	Organisatio n to submit a revised timeline.
International Performing Writers' Association	The Rumble: Sydney Young Performing Writers' Program	A project providing young people in the City of Sydney Local Government Area the opportunity to work with professional spoken word artists to develop their own works and perform these for live audience in the Rocks.	\$12,000	Nil	Nil
Milk Crate Theatre	Leading and Learning: International Collaborations with World Leaders in the Tradition of Interactive, Forum Theatre	The creation of two new Forum Theatre works through creative residencies, exchange of artistic practice and collaborations with Theatre of the Oppressed New York City (TONYC) and Cardboard Citizens (UK).	Year 1 - \$10,000 Year 2 - \$10,000	Nil	Nil
Monkey Baa Theatre For Young People Limited	Private Conversations in Public Spaces	The creation of theatre works exploring stories of the Gadigal people to be performed around the Darling Quarter.	\$15,000	Nil	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
NAISDA Limited	Circle of Cultures 40 Years of NAISDA Dance College	A photographic exhibition and series of workshops celebrating contemporary Indigenous dance at Carriageworks, Eveleigh.	\$20,000	Nil	Nil
PACT Centre For Emerging Artists Incorporated	Rapid Response Team	A project where six emerging artists will respond creatively to global current affairs and present these creative bulletins to the local community at various locations throughout the Local Government Area.	\$30,000	Nil	Funding for artist fees only.
Performance Space	Neighbourhood Watch	A creative residency where artists are placed with community organisations in Redfern, where in collaboration with these organisations they will create artworks to be exhibited.	\$16,000	Nil	Funding for artist fees only
Playwriting Australia	PWA Indigenous Playwrights Program	Development and delivery of a playwriting program for Indigenous writers and storytellers at Redfern Community Centre.	\$10,000	Nil	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
ReadyMade Works Incorporated	ReadyMade Works 2016 Program	A series of creative seminars, community engagement opportunities and creative residencies for artists and residents of the City of Sydney Local Government Area.	\$14,000	Nil	Nil
REMIX Summits Pty Limited	REMIX Sydney Summits 2016-18	A summit addressing the ideas shaping the future of the creative and cultural sectors and the development of creative cities and a flourishing creative economy.	Year 1 - \$10,000	Year 1 - Venue hire waiver of Sydney Town Hall up to the value of \$45,000 Year 2 - Venue hire waiver of Sydney Town Hall up to the value of \$45,000 Year 3 - Venue hire waiver of Sydney Town Hall up to the value of \$45,000	Organisation to resubmit budget.
RUCKUS (Auspiced by Pact Centre For Emerging Artists Incorporated)	Speed of Life	The final development stage of theatre work 'Speed of Life' developed by disability led performance ensembles.	\$25,000	Venue hire waiver of Erskineville Town Hall up to the value of \$1,559	Funding for artists fees and production. Release of funds is dependent on securing state and federal funding.

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
SafARI Initiatives Incorporated	SafARI 2016	An exhibition showcasing the work of emerging artists across multiple venues in the Kings Cross and Potts Point area during the Biennale of Sydney.	\$30,000	Nil	Organisatio n to apply in future under the Festival and Events Program. Organisatio n to work with the City's Manager City Business and Safety.
Sydney Arts Management Advisory Group Incorporated	SAMAG Seminar Series 2016 - 18	A series of professional development and networking seminars for art managers, artists and arts organisations at a number of locations throughout the Local Government Area.	Year 1 - \$5,000	Year 1 - Venue hire waiver of Barnett Long Room, Customs House up to the value of \$2,500 Year 2 - Venue hire waiver of Barnett Long Room, Customs House up to the value of \$2,500 Year 3 - Venue hire waiver of Barnett Long Room, Customs House up to the value of \$2,500	Nil
Sydney Dance Company	DancED Community Outreach Program	A series of workshops to engage primary school children, youth groups and older adults to participate in dance and encourage new audiences for Sydney Dance Company.	Year 1 - \$15,000	Nil	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Sydney Harbour Foreshore Authority	Emerging Creative Producers: Community Cultural Festival Capacity Building Project 2015-17	A professional development mentoring program for 25 volunteer organised festivals held at Darling Harbour.	\$20,000	Nil	Nil
Sydney Story Factory Incorporated	Let's Write, Redfern!	A partnership with five local community organisations in the Redfern/Waterloo area to provide opportunities for young people to write short stories.	\$20,000	Nil	Nil
The Festivalists Limited	Night Moves	A project linking cultural venues in central Sydney with a creative agent who have not worked together previously culminating in an after-hours cultural experience for visitors, artists, venues and precincts.	\$50,000	Banner pole hire waiver up to the value of \$6,350	Organisation to apply in future under the Festival and Events Program.
The Glebe Society Incorporated	Glebe Tram Mural	The replication of an historic photo of a Glebe tram into a large mural on the south-facing wall of 257 Glebe Point Road, Glebe.	\$30,000	Nil	Organisation to work with the City's Public Art Program Manager. Organisation to submit a revised budget. Organisation to submit a letter of consent from property owner.

- (B) Council approve the cash grant and revenue forgone (VIK) recommendations for 2015/16, 2016/17 and 2017/18 under the Festivals and Events Sponsorship Program (Artform or Village and Community) – Round Two listed as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Festivals and Events Sponsorship - Artform					
Alliance Francaise De Sydney	Alliance Française French Film Festival	A French film festival showcasing contemporary French cinema at locations across the LGA.	\$0	Banner pole hire waiver up to the value of \$6,220	Nil
Free Broadcast Incorporated	FBI SMACS: A Festival of Sydney music, arts and culture	An art and music festival to be held at Carriageworks, Eveleigh in January 2016.	\$15,000	Nil	Funding for artists fees only.
Head On Foundation	Head On Photo Festival 2016	A photographic festival including 10 exhibitions, workshops, screenings and talks held at Lower Town Hall.	Nil	Venue hire waiver up to the value of \$110,600	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Festivals and Events Sponsorship – Village and Community					
Tennis New South Wales Limited	The Apia International Wheelchair Tennis Tournament at Prince Alfred Park	A series of official tournament games, practice sessions and community engagement events involving the world's top ranked wheelchair tennis players in January 2016 at Prince Alfred Park tennis courts as part of the 2016 Australia Open.	\$30,000	Banner hire waiver up to the value of \$1,240.	Organisation to meet with the City's Inclusion Panel.
Pymont-Ultimo Chamber of Commerce And Industry Incorporated	Pymont Festival 2016 - 2018	A 10 day festival program of wine, food and art in May 2016 promoting Pymont as a tourist, creative, cultural and dining precinct.	Year 1 - \$50,000 Year 2 - \$50,000 + CPI Year 3 - \$50,000 + CPI	Year 1 - Banner hire waiver up to the value of \$5,000 Year 2 - Banner hire waiver up to the value of \$5,500 Year 3 - Banner hire waiver up to the value of \$6,000	Nil
Christmas in Pymont Incorporated	Christmas in Pymont	A series of community engagement activities and market stalls in John Street and John Street Square, Pymont at the Pymont Community Centre during November 2016.	Year 1 - \$15,000 Year 2 - \$15,000 + CPI Year 3 - \$15,000 + CPI	Nil	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Radio Eastern Sydney Cooperative Limited	Global Rhythms World Music Festival	A music festival showcasing artists from around Australia held at Bicentennial Park, Glebe in September 2016 as part of the 2016 Sydney Fringe Festival.	\$15,000	Banner hire waiver up to the value of \$5,700	Release of funds dependant on securing Australia Council funding.
Walla Mulla Family and Community Support	Woolloomooloo NAIDOC Family Day 2016	A community engagement event celebrating NAIDOC held in Forbes Street Reserve, Woolloomooloo in July 2016.	Year 1 - \$15,000 Year 2 - \$15,000 + CPI Year 3 - \$15,000 + CPI	Nil	Organisation to resubmit a budget. Organisation to submit risk management plan.

- (C) Council approve the cash grant and revenue forgone (VIK) recommendations for 2015/16 under the Matching Grant Program – Third Allocation listed as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Beyond Consulting and Glebe Aboriginal Women's Group	Glebe Dance Project	A series of affordable dance workshops for children, members of the Aboriginal community, public housing and low income residents of Glebe.	\$7,250	Venue hire waiver up to the value of \$2,450	Organisation to submit a revised budget.

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Big Fag Press Incorporated	Neighbourhood Kitchen Community Gardens - Jubilee Park	To build an edible community garden including Big Fag Press, Pyrmont Ultimo Glebe Men's Shed and the local community. A series of purpose-made planter boxes at the Jubilee Viaduct, Glebe.	\$5,000	Nil	Organisation to liaise with the City's Community Garden and Volunteer Coordinator.
Bourke Street Community Garden	Bourke Street Community Garden Project	The project will increase capacity at the Bourke Street Garden for community participation and enjoyment through additional planters, composting systems, chicken raising, an additional shed for larger equipment and landscaping.	\$7,150	Nil	Organisation to meet with the City's Community Garden and Volunteer Coordinator, Community Facility Development Coordinator and Planning Team Officer prior to grant being administered.
Bridge Housing	I am Saying What I Want to Say	A series of art workshops, for Bridge Housing tenants of the Inner West, leading to an exhibition to celebrate NAIDOC week and the creativity of diverse communities.	\$8,770	Nil	Organisation to provide confirmation of acceptance by Projects 107.

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
PACT Centre for Emerging Artists Incorporated	COLLECTIVE	A program, in the Inner West, to provide training and performance opportunities for emerging performance artists. PACT will partner with Moogahlin Performing Arts to offer the program to a 'collective' of 12 to 15 emerging artists, half of whom identify as Aboriginal or Torres Strait Islander.	\$5,000	Nil	Nil
Police Citizens Youth Clubs NSW Limited	Through The Gap	A program delivered by Glebe/Leichhardt PCYC to provide educational support to Indigenous youth from Department of Housing areas in Glebe. The project aims to support and re-engage students who have disengaged, or are at risk of disengaging from school due behavioural/conduct issues.	\$9,000	Nil	No recurrent funding through Matching Grants Program.

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
RSL of Australia (NSW Branch)	Indigenous Veterans' Commemoration Service 2016	The tenth anniversary of a military and community commemoration service for indigenous veterans at the ANZAC Memorial, Hyde Park, to be attended by the NSW Governor, Aboriginal community leaders and the wider community.	\$5,000	Nil	Nil
St Helen's Community Garden	St Helen's Community Garden	To fund the expansion and upgrade to infra-structure for Stages 2 and 3 of St Helen's Community Garden in Glebe.	\$10,000	Nil	Organisation to liaise with the City's Community Garden and Volunteer Coordinator.
Surry Hills Neighbourhood Centre	Happy, Healthy and Wholistic: Women's Wellbeing Project	To connect and engage women of Sydney who have experienced domestic violence and who are experiencing social marginalisation and isolation. It will focus on wholistic health and wellbeing and building connections with support and health services.	\$4,000	Nil	Organisation to submit a revised budget.

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
The Red Room Company	Yala Gari Living Languages	A project in Redfern, Waterloo and Alexandria to engage Indigenous poets, artists and the community, to strengthen connections by creating artworks, writing, publications, performance, and exhibitions in English and Indigenous languages.	\$8,000	Banner pole hire waiver up to the value of \$762	Nil
The Yoga Foundation	Street Yoga	The project aims to bring yoga to disadvantaged communities, on the streets of Sydney at St Vincent's Health Clinics and Prince Alfred Park Community Centre. Participants will learn methods to help reduce anxiety and stress including simple yoga postures, calming breath exercises and mindfulness techniques.	\$3,000	Nil	Organisation to liaise with the City's Homelessness Unit, Public Spaces Liaison Officers. Funding is for a trial project.

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Youth Off The Streets Limited	Student Skills, Welfare and Service Learning	The project aims to provide Key College and Redfern students with access to a range of opportunities in personal development, employment, training and general life skills. Key activities to include Service Learning, Skills and Certifications and Student Welfare.	\$8,460	Nil	Nil

- (D) Council approve the cash grant and revenue forgone (VIK) recommendations for 2015/16 under the Community Services Grant Program listed as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Newtown Neighbourhood Centre Incorporated	Newtown Vibes	A series of public performances, art markets and events in and around Newtown working with local business and community.	\$12,000	Nil	Organisation to submit a revised budget.
Redfern Legal Centre Limited	Extension of the Miller's Point Tenancy Services	An extension of services to meet the continued demand for the service from tenants still residing in the area, with an increase in support for residents in more complex circumstances and with more resource intensive needs.	\$50,000	Nil	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Weave Youth and Community Services Incorporated	Weave Middle Ground	Providing children and young people in Redfern, Waterloo, Glebe and surrounding areas the opportunity to take part in age specific programs for 7 to 14 year olds that cover a broad range of activities to improve their social and emotional wellbeing.	\$25,788	Nil	Nil

- (E) Council approve the cash grant and revenue forgone (VIK) recommendations for 2016/17 under the Festivals and Events Sponsorship Program (Artform) listed as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Kaldor Public Art Projects	Kaldor Public Art Project 2016, 2017, 2018	Triennial sponsorship to present a minimum of one major work in each of the first two years of the sponsorship and then a series of celebration events through the final year as part of their 50th birthday celebrations.	Year 1 – \$110,000 Year 2 – \$120,000 Year 3 - \$150,000	Nil	Nil
The Sydney Festival Limited	Sydney Festival 2017	Australia's largest and most successful international Arts festival including a range of events and activities.	\$1,428,000	Venue hire waiver and banner pole hire waiver up to the value of \$450,000	Nil

- (F) Council approve the transfer of the 2014/2015 Cultural Grants and Sponsorship triennial funding agreement and remaining funding of \$15,000 for the Film Festivals Australia project from the current auspice Metro Screen to an alternative, similar auspice organisation that the Chief Executive Officer (CEO) approves;

- (G) authority be delegated to the CEO to negotiate, execute and administer the transfer of the triennial funding agreement and remaining funding detailed in clause (F) to the alternative auspice organisation considered suitable to lead the project;
- (H) Council note that a CEO update will be provided once the CEO has approved the alternative auspice organisation in accordance with clause (F);
- (I) Council note that all grant and sponsorship amounts are exclusive of GST and all VIK offered is subject to availability; and
- (J) authority be delegated to the CEO to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy.

Procedural Motion

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

That the recommendation of the Cultural and Community Committee be split and dealt with in three Parts, as follows:

Part A – clauses (A) to (J) excepting, in clause (A), the grant to Monkey Baa Theatre for Young People Limited and, in clause (D), the grant to the Redfern Legal Centre Limited;

Part B – the grant to Monkey Baa Theatre for Young People Limited in clause (A); and

Part C – the grant to the Redfern Legal Centre Limited in clause (D).

Carried unanimously.

Part A was moved by the Lord Mayor, seconded by Councillor Kemmis and carried unanimously.

Part B was moved by the Lord Mayor, seconded by Councillor Doutney and carried unanimously.

Part C was moved by the Chair (the Lord Mayor), seconded by Councillor Kemmis and carried on the following show of hands –

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

Noes (1) Councillor Forster.

Motion carried.

Speakers

Mr Jackson Hills, Mr Moshe Rosenzweig and Ms Lindsay Ash addressed the meeting of the Cultural and Community Committee on Item 8.2.

ITEM 8.3

FRIENDS OF THE SYDNEY TOWN HALL INCORPORATED AND THE CHRISTMAS AT THE TOWN HALL ORGAN CONCERT (X002617)

It is resolved that:

- (A) subject to an agreement being entered into in accordance with clause (D) below, Council approve the donation of the proceeds of the annual "Christmas at the Town Hall" Organ concert to Friends of the Sydney Town Hall Incorporated for the year 2015;
- (B) Council note that funds have been provided to Friends of the Sydney Town Hall Incorporated in 2013 and 2014;
- (C) Council grant retrospective approval of the payment of funds in 2013 and 2014 to Friends of the Sydney Town Hall Incorporated; and
- (D) Council note that staff will work with Friends of Sydney Town Hall Incorporated to reach agreement to provide funding for future years, and that this agreement will be the subject of a further report to Council.

Carried unanimously.

Adjournment

At this stage of the meeting, at 6.23pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kemmis –

That the meeting be adjourned for approximately 15 minutes.

Carried unanimously.

At the resumption of the meeting of Council, at 6.41pm, those present were –

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

ITEM 9 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 17 NOVEMBER 2015**PRESENT**

The Lord Mayor Councillor Clover Moore
(Chair)

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

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

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

Councillor Scott arrived at the meeting of the Planning and Development Committee at 4.06pm, during discussion on Item 9.1.

Councillor Kok left the meeting of the Planning and Development Committee at 8.25pm, prior to discussion on Item 9.10, and returned at 8.30pm, at the conclusion of discussion on Item 9.10. Councillor Kok was not present at, or in sight of, the meeting of the Planning and Development Committee during discussion and voting on Item 9.10.

Councillor Vithoulkas left the meeting of the Planning and Development Committee at 9.21pm, prior to discussion on Item 9.15, and returned at 9.22pm, at the conclusion of discussion on Item 9.15. Councillor Vithoulkas was not present at, or in sight of, the meeting of the Planning and Development Committee during discussion and voting on Item 9.15.

Apologies

Councillor Jenny Green extended her apologies for her inability to attend the meeting of the Planning and Development Committee as she was working overseas.

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

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

Carried.

Adjournment

At 5.50pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Mant -

That the meeting of the Planning and Development Committee be adjourned for approximately 15 minutes.

Carried.

At the resumption of the meeting of the Planning and Development Committee at 6.08pm, those present were:

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

Adjournment

At 7.41pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Doutney -

That the meeting of the Planning and Development Committee be adjourned for approximately 15 minutes.

Carried.

At the resumption of the meeting of the Planning and Development Committee at 7.59pm, those present were:

The Lord Mayor, Councillors Doutney, Kemmis, Kok, Mandla, Mant, Scott and Vithoukas.

Councillor Forster returned to the meeting of the Planning and Development Committee at 8.02pm, at the conclusion of discussion on Item 9.5.

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 4.05pm.

The Major Development Assessment Sub-Committee, with Councillor Kok as Deputy Chair, commenced at 8.07pm.

The Development Assessment Sub-Committee, with Councillor Mant as Deputy Chair, commenced at 9.21pm.

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
4. Post Exhibition – Planning Proposal – Sydney Local Environmental Plan 2012 – Industrial and Warehouse Buildings Heritage Study – Heritage Listing of Identified Industrial Heritage Items and Areas
3. Post Exhibition – Draft Central Sydney On-Street Parking Policy 2015
5. Public Exhibition – Draft City of Sydney Development Contributions Plan 2015
2. Barangaroo Update
6. Fire Safety Reports
9. Development Application: 95 and 97-97A Bourke Street and 11A Harmer Street Woolloomooloo
14. Development Application: 6-8 Crewe Place Rosebery
10. Development Application: 22-38 Yurong Street Darlinghurst
13. Development Application: 15 Bowden Street Alexandria
7. Development Application: 35 Henderson Road Eveleigh
11. Development Application: 47 and 49-53 Wentworth Avenue Sydney
12. Development Application: 291 George Street Waterloo – The Duke of Wellington
8. Development Application: 153-165 Brougham Street Woolloomooloo
15. Development Application: 56-78 Oxford Street Darlinghurst

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 9.22pm.

ITEM 9.1

DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 9.10 on the agenda in that he has met the applicant for the subject development application at Chinese community events and knows him through the Chinese community. Councillor Kok stated that he would not be present for discussion or voting on Item 9.10.

At a later stage of the meeting, prior to discussion on Item 9.4 on the agenda, Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 9.4, in that the subject report lists a number of properties in Camperdown and, although she does not think they are owned by the University of Sydney, for whom she works, she cannot tell.

At a later stage of the meeting, at the commencement of discussion on Item 9.10 on the agenda, Councillor Christine Forster disclosed a less than significant, non-pecuniary interest in Item 9.10 in that the representative of the applicant for the subject development application, who addressed the meeting of the Planning and Development Committee, is a personal friend of hers.

At a later stage of the meeting, prior to discussion on Item 9.15 on the agenda, Councillor Angela Vithoukias disclosed a significant, pecuniary interest in Item 9.15 in that she does some administration work for Woolworths, the applicant for the subject development application. Councillor Vithoukias stated that she would not be present for discussion or voting on Item 9.15.

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 17 November 2015 be received, with Item 9.1 being noted, the recommendations set out below for Items 9.2, 9.5 and 9.6 being adopted, and Items 9.3 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

BARANGAROO UPDATE (S084857)

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

Carried unanimously.

ITEM 9.3

POST EXHIBITION - DRAFT CENTRAL SYDNEY ON-STREET PARKING POLICY 2015 (S118282)

It is resolved that:

- (A) Council adopt the Central Sydney On-Street Parking Policy 2015, as shown at Attachment A to the subject report; and
- (B) the Central Sydney On-Street Parking Policy 1996 be repealed.

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

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

It is resolved that:

- (A) Council adopt the Central Sydney On-Street Parking Policy 2015, as shown at Attachment A to the subject report;
- (B) the Central Sydney On-Street Parking Policy 1996 be repealed; and

- (C) the Chief Executive Officer identify and implement additional loading zones in Central Sydney, and review enforcement of infringements in loading zones to improve access and turnover.

Foreshadowed motion. Councillor Scott foreshadowed that, should the motion moved by Councillor Kemmis be lost, she would move an alternative motion.

The motion was carried on the following show of hands –

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

Noes (1) Councillor Scott.

Motion carried.

Speakers

Mr Garry Russell, Mr Tony McNulty, Mr David Lenoir, Mr Roy Wakelin-King, Mr Stephen Taylor, Mr Glenn O'Sullivan and Mr Christopher Burns addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.3.

Extension of Time

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

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

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

Carried.

The Central Sydney On-Street Parking Policy 2015, as adopted by Council, is as follows:

CENTRAL SYDNEY ON-STREET PARKING POLICY 2015

Purpose

The City's on-street parking policy establishes criteria and service objectives for allocating kerbside parking and loading in central Sydney.

Scope

The policy applies to on-street parking and loading in central Sydney. The area is defined by the solid red line in Figure 1.

Note: The map titled "Figure 1 CBD Precinct" can be found on File No. S118282.

1 PRIORITISING KERBSIDE SPACE

1.1 Background

There is intense competition for use of kerbside space in central Sydney. The City's narrow streets and short east-west blocks limit the useable kerb space that can be safely allocated to support the City's commercial and transport functions. Of the space that is available, the majority is occupied by critical transport infrastructure, including general traffic lanes, turn lanes, bus lanes, light rail and cycle ways.

As additional commercial, retail and residential floor space is constructed in and near central Sydney, and new precincts are developed, there will be increasing demands on the City's available kerbside space. The consistent management and allocation of kerbside space will ensure the street network can accommodate critical business and local needs, while maintaining the efficient operation of the broader public and private transport networks.


1.2 New developments

The City of Sydney generally requires that new developments incorporate off-street loading docks, subject to technical or heritage considerations. Where new loading and parking is constructed on-site, the City will require, as a condition of development consent, that all parking and servicing take place on-site.

1.3 Proposed hierarchy

Figure 1 shows the hierarchy for the allocation of kerbside space in central Sydney. The hierarchy applies to space that is available – whether full time or part time – for the set down or pick up of goods or passengers.

CENTRAL SYDNEY ON-STREET PARKING POLICY 2015

Priority	Kerbside use	Service Objective
Highest 	Taxis	To provide taxi ranks within 150m of any location in central Sydney. To provide pick up and drop off locations at or near key accommodation, tourism, commercial and residential facilities. To maximise safe pick up or set down opportunities, while minimising congestion impacts.
	Delivery and service vehicles	To provide Loading Zones within 100m of any location without on-site parking or loading.
	Mobility parking	To provide dedicated mobility parking spaces within 100m of a concentration of specialist medical or human services facilities. To provide dedicated mobility parking or ticket parking that can be used by mobility permit holders within 150m of any location in central Sydney.
	Authorised Vehicles Zones - essential services	Spaces to be provided as required to facilitate postal collection, policing, and parking of dedicated emergency services or incident response vehicles.
	Authorised Vehicle Zones – coach parking	To provide short term coach parking for group pick up and drop off near to major destinations or accommodation. To encourage turnover of on-street coach parking and use of off-street facilities for long-stay coach layover.
	Authorised Vehicle Zones – passenger vehicles	To provide parking for government agencies or consular parking only where alternative off-street parking is not available within reasonable distance, or where on-street parking is required for exceptional circumstances.
	Lowest	General kerbside parking

2 ALLOCATION OF PARKING

2.1 Taxis

Taxis are a key mode of transport in central Sydney, and will be given the highest priority.

CENTRAL SYDNEY ON-STREET PARKING POLICY 2015

Taxi ranks should generally be no more than 150m from any location in central Sydney. This will encourage their use by taxi drivers and customers, and reduce congestion and road safety impacts of vacant taxis cruising for passengers.

Taxi exemptions for pick up and set down in full-time No Stopping zones will be considered where road safety and traffic impacts are acceptable, and provision of Taxi Zones in the surrounding area is not adequate. Exemptions will generally not be provided if they are likely to have significant impact on public transport operations.

2.2 Delivery and service vehicles

In assessing the need for Loading Zones, the City will prioritise the needs of older buildings that have limited or nil on-site loading facilities.

The City will allocate loading zones to ensure that any premises that does not have on-site loading or parking facilities is within 100m of a Loading Zone for a minimum of three hours each weekday. Where necessary to accommodate other road users, loading zones may be limited to the inter-peak or off-peak.

Loading zones may be introduced after hours or on weekends in cases where weekday loading is inadequate, or where it is desirable to encourage out-of-hours/weekend loading.

Loading zones will not be provided to serve buildings with on-site loading docks, or buildings which are subject to consent conditions requiring all loading and servicing to occur on-site.

In order to maximise compliance and ensure access for legitimate loading vehicles, loading zones in central Sydney will require the display of a loading zone ticket.

2.3 Mobility parking

There are dedicated mobility spaces across the city centre. However the majority of space available to people holding a Roads and Maritime Services (RMS) issued Mobility Permit is general kerbside ticket parking.

The service objective for mobility parking is that most locations in central Sydney should be within 150m of a dedicated mobility parking space or ticket parking that could be used for mobility parking.

2.4 Authorised Vehicle Zones – Essential Services

Authorised Vehicle Zones will be provided wherever necessary and feasible for the purposes of parking essential services vehicles. Essential services include postal collection, law enforcement, or the parking of dedicated NSW Government emergency services or incident response vehicles.

CENTRAL SYDNEY ON-STREET PARKING POLICY 2015

2.5 Authorised Vehicle Zones – Coaches

Authorised Vehicle Zones will be provided to facilitate bus, coach and mini-bus drop-off and pick-up near to major destinations or accommodation. Where kerb space cannot be allocated close to major destinations, the City will seek to identify alternative locations on safe walking routes with clear way-finding.

Long-stay coach lay-over in central Sydney will not be accommodated on-street.

2.6 Authorised Vehicle Zones – Passenger Vehicles

Authorised vehicle zones requested for the untimed parking of ordinary passenger vehicles will generally not be allocated in central Sydney. This includes parking for passenger vehicles used by government departments, public authorities, consulates, or car sharing services, but does not prevent allocation of space to wedding or funeral vehicles.

Exceptions will be considered only in cases where paid off-street parking is unavailable, and the allocation of dedicated space is demonstrably in the public interest. In all cases, the onus will be on the applicant to demonstrate that off-street parking is unavailable.

Authorised vehicle zones will be subject to annual review in light of changing needs and changes to surrounding land use.

2.7 General period parking

General time limited pay parking will be the default restriction for kerbside parking space whenever or wherever the space is not required for higher priority uses.

Pay parking will be the predominant kerbside use on evenings and weekends, and may also be considered for the inter-peak period of 10am-3pm, unless required for higher priority uses.

In order to encourage the use of public and sustainable transport, untimed or all-day parking for commuters will not be allocated on-street.

2.8 Motorcycle parking

Short-stay motorcycle parking is accommodated by general period parking space.

The extent of untimed motorcycle-only parking for weekday commuting will be limited in order to encourage use of public or sustainable transport, and the use of off-street parking. Commuter parking will be allocated for motorcycles where it is not required for higher priority uses.

Given that motorcycles cannot securely display tickets, the City does not require tickets to be purchased or displayed in these areas. In the event that suitable payment options are introduced, parking rates will reflect the reduced spatial footprint of motorcycles.

CENTRAL SYDNEY ON-STREET PARKING POLICY 2015

3 RESIDENT PERMIT PARKING SCHEME

3.1 Background

The Resident Parking Scheme in central Sydney provides for on-street parking for residential buildings approved prior to 2000. Residential premises approved after 1 May 2000 are not eligible for parking permits.

No Business or Visitor Permits are available in central Sydney.

3.2 Boundaries

The boundary of the parking precinct is shown in Figure 1.

3.3 Closure of the scheme to new applicants

Given the very high demand for the use of diminishing kerbside parking space in central Sydney, it is increasingly impractical for central Sydney streets to be used for the long-duration free parking of resident vehicles, particularly during business hours.

The Resident Parking Scheme in central Sydney is closed to new applicants from the date of the adoption of this policy.

3.4 Transitional Arrangements

In recognition of the reasonable expectations of existing permit holders, existing first permits will be honoured until the permit holder moves address, or allows the permit to lapse. Second permits will not be renewed beyond a period of 18 months from the date of the adoption of the policy. Resident permits are not transferrable.

4 ADMINISTRATION

4.1 Consultation

Proposed changes to parking restrictions in central Sydney will be considered by the members of the Local Pedestrian Cycling and Traffic Calming Committee. Decisions will be taken at an open meeting wherever possible, and any urgent out-of-session decisions reported to the subsequent meeting. Changes will also be reported to the Central Sydney Traffic and Transport Committee where required by the City of Sydney Act, or where desirable to improve coordination with the NSW Government.

In addition to consultation with statutory committees established under the City of Sydney Act, changes to traffic, parking and loading in central Sydney will be discussed and coordinated with Transport for NSW in order to ensure their consistency with the Sydney City Centre Access Strategy.

Where changes to kerbside space are likely to affect known nearby users, the City will consult affected properties or users in writing. User group representatives may be non-voting members of the City's Traffic Committee.

CENTRAL SYDNEY ON-STREET PARKING POLICY 2015

4.2 Responsibilities

Implementation, review and enforcement of on-street parking controls is the responsibility of the City Operations division.

Resident parking permits are administered by the City Engagement Division. The Director City Engagement will establish administrative procedures necessary for the consistent implementation of the policy.

The Director City Engagement is delegated to waive or vary the requirements of this policy only in cases where application of the policy would result in prolonged or unreasonable hardship.

4.3 Review

The Director City Planning, Development and Transport will review this policy 2 years from the date of its adoption by Council.

4.4 Definitions

Term	Meaning
Central Sydney	Bordered by Alfred Street, Macquarie Street, College Street, Wentworth Avenue, Elizabeth Street, Eddy Avenue, Pitt Street, Railway Square, Ultimo Road, Thomas Street, Hay Street, Harbour Street, Day Street, Sussex Street, Lime Street, Hickson Road, Jenkins Street, Gloucester Street, Essex Street and George Street.
Period Parking	Any parking space that is allocated for use without restriction by vehicle type, and which is subject to time limits.
Authorised Vehicle Zones	A length of kerb to which a No Parking restriction applies, but which exempts a specific authorised vehicle.

4.5 Authorisation

This policy was adopted by resolution of Council on 23 November 2015.

ITEM 9.4

POST EXHIBITION – PLANNING PROPOSAL – SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – INDUSTRIAL AND WAREHOUSE BUILDINGS HERITAGE STUDY – HERITAGE LISTING OF IDENTIFIED INDUSTRIAL HERITAGE ITEMS AND AREAS (S122740)

It is resolved that:

- (A) Council note the submissions received to the public exhibition of the planning proposal, shown at Attachment C to the subject report;
- (B) Council approve the revised planning proposal, shown at Attachment A to the subject report, for finalisation and making as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve the amendment to Sydney Development Control Plan 2012 Heritage Contributions Map, shown at Attachment B to the subject report; and
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the planning proposal, to correct any minor drafting errors prior to finalisation and making of the Local Environmental Plan.

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 (7) The Lord Mayor, Councillors Doutney, Green, Kemmis, Kok, Mant and Vithoukias

Noes (2) Councillors Forster and Mandla.

Motion carried.

Speakers

Mr Mario Cuda, Ms Sarah Ward, Mr Stephen Davies, Mr Harshane Kahagalle, Mr James Phillips, Ms Jennifer Hill and Mr Jason Chapman addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.4.

ITEM 9.5

PUBLIC EXHIBITION – DRAFT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 (S1171111)

It is resolved that:

- (A) Council approve the Draft City of Sydney Development Contributions Plan 2015, shown at Attachment A to the subject report, for public exhibition for a period of eight weeks; and

- (B) authority be delegated to the Chief Executive Officer to make minor amendments to the Draft City of Sydney Development Contributions Plan 2015 before exhibiting it, including to correct any minor drafting errors.

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 F 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 579-583 Harris Street, Ultimo, 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 70-70A Darlinghurst 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 132 Bourke Street, Woolloomooloo, 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 61-65 Darlinghurst Road, Potts Point, as detailed in Attachment E; and
- (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 23-31 Darlinghurst Road, Potts Point, as detailed in Attachment F.

Carried unanimously.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kok, seconded by Councillor Kemmis -

That the report of the Major Development Assessment Sub-Committee of its meeting of 17 November 2015 be received, with the recommendations set out below for Items 9.7, 9.9, 9.11 to 9.13 inclusive and the alternative recommendation for Item 9.14 being adopted, and Items 9.8 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: 35 HENDERSON ROAD EVELEIGH (D/2015/772)**

It is resolved that consent be refused for Development Application No. D/2015/772 for the following reasons:

(1) Heritage

Demolition of the Alexandria Hotel does not comply with the following heritage provisions:

- (a) Clause 5.10 of the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) protects heritage items within the City Of Sydney. The site is protected under this clause due to the interim heritage order placed on site on 28 July 2015 under the Heritage Act 1977;
- (b) Clause 6.21(4)(d)(iii) of the Sydney LEP 2012 requires that, in order to exhibit design excellence, a proposal must consider heritage. The heritage significance of the site has not been appropriately considered in the proposal; and
- (c) Section 3.10.3 of the Sydney Development Control Plan 2012 (Sydney DCP 2012) protects pubs and hotels older than 50 years.

(2) Height

The proposal does not comply with the following height controls:

- (a) the proposal exceeds the building height limit by 7.9m in contravention of Clause 4.3 of the Sydney LEP 2012;
- (b) the proposal does not meet the criteria of a Clause 4.6 variation to exceed the height of building development standard, as the height control reflects the height of the Alexandria Hotel and its contribution to the heritage value of the area; and
- (c) the proposal exceeds the height in storeys control set under Section 4.2.1.1 of the Sydney DCP 2012.

(3) Floor Space Ratio Calculation

The gross floor area of the building has not been calculated in accordance with the definition of gross floor area under the Sydney LEP 2012. The calculation has not taken into account the basement bathroom, ground floor garbage storage or the garbage chutes on each level. With these areas counted, the floor space ratio for the proposal does not comply with the 2.5:1 maximum and is in contravention of Clause 4.4 of the Sydney LEP 2012.

(4) Design Excellence

The proposal does not achieve the following clauses relating to Design Excellence under Section 6.21 of the Sydney LEP 2012:

- (a) 6.21(4)(d)(vi), as the design does not achieve appropriate street frontage heights because it breaches the building height development standards;
- (b) 6.21(4)(d)(iii) which requires that heritage be integrated into design where possible; this has not been achieved with the demolition of the Alexandria Hotel; and
- (c) 6.21(4)(d)(xii), as the development does not conform to prevailing setbacks on the ground floor along Henderson Road and Garden Street.

(5) Amenity

The proposal lacks the adequate amenity for proposed apartments, including the inability to assess the level of internal solar access required under Section 4.2.3.1 of the Sydney DCP 2012, SEPP 65 and associated Residential Flat Design Code (RFDC) requirements, as well as insufficient deep soil as required under Section 4.2.3.6 of the Sydney DCP 2012 and RFDC.

(6) Land Contamination

Information submitted with the application does not satisfy Clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land. Further information, including a 'Detailed Site Investigation Report' or a 'Site Audit Statement' prepared by a NSW EPA accreditor auditor, are required.

Further information is also required to determine impact on acid sulfate soils. This requires a 'Preliminary Hydrology Study' which determines ground water depth and flow direction in relation to acid sulfate soils in the vicinity, likely draw down rate as a result of the activity and the resulting permanent and temporary change in the water table depth.

(7) Lack of Information

Information has not been provided which is required to complete a full assessment of the proposal. This includes the following:

- (a) internal solar access diagrams to apartments and private open spaces demonstrating solar amenity provided to apartments;
- (b) accurate overshadowing diagrams that show the full extent of the overshadowing on surrounding public and private land; and
- (c) details on the right of access between the ground floor apartments and the Vice Chancellors Oval to the west.

(8) Public Interest

In light of the above, and the large number of submissions received opposing the proposal, demolition of the Alexandria Hotel is not in the public interest and is contrary to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979.

Carried unanimously.

ITEM 9.8**DEVELOPMENT APPLICATION: 153-165 BROUGHAM STREET
WOOLLOOMOOLOO (D/2014/1890)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 23 November 2015, to enable a site inspection to be undertaken of the subject site.

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

It is resolved that:

- (A) Council defer consideration of Development Application No. D/2014/1890 to obtain advice from the Design Advisory Panel, as well as further planning advice; and
- (B) the Development Application be reported back to the next Council meeting with additional advice.

Carried unanimously.

Speakers

Mr Russell Paine, Ms Pam Morris, Ms Norelle Feehan, Mr Christopher Matthies, Ms Caron Brown, Ms Kelly Douglas, Mr Andrew Woodhouse, Mr John Andreas, Ms Jennifer Hill and Mr Ben Craig addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.8.

ITEM 9.9**DEVELOPMENT APPLICATION: 95 AND 97-97A BOURKE STREET AND 11A
HARMER STREET WOOLLOOMOOLOO (D/2015/519)**

It is resolved that:

- (A) Council support the variation to the Floor Space Ratio development standard pursuant to Clause 4.6 of the Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/519, 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/2015/519 dated 22 April 2015 and the following drawings:

Drawing Number	Architect	Date
DA 01 Rev.D	THOSE ARCHITECTS	10/8/15
DA 02 Rev.D	THOSE ARCHITECTS	10/8/15
DA 03 Rev.D	THOSE ARCHITECTS	10/8/15
DA 04 Rev.D	THOSE ARCHITECTS	10/8/15
DA 05 Rev.D	THOSE ARCHITECTS	10/8/15
DA 06 Rev.D	THOSE ARCHITECTS	10/8/15
DA 07 Rev.D	THOSE ARCHITECTS	10/8/15
DA 08 Rev.D	THOSE ARCHITECTS	10/8/15
DA 09 Rev.D	THOSE ARCHITECTS	10/8/15
DA10 Rev.D	THOSE ARCHITECTS	10/8/15
DA11-A Rev.D	THOSE ARCHITECTS	10/8/15
DA12 Rev.D	THOSE ARCHITECTS	10/8/15
DA13 Rev.D	THOSE ARCHITECTS	10/8/15
DA08-A Rev.D	THOSE ARCHITECTS	10/8/15

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) EXTERNAL SHUTTERS TO WESTERN DECKS

Detailed drawings shall be submitted of the full height shutters to the western decks of apartments 104, 203 and 303 for approval by Council's Area Planning Manager, prior to the issue of a Construction Certificate.

(3) HANDRAIL TO ROOF AREA

- (a) The handrail 'HR1' within the garden area around the private roof terraces must be of solid parapet construction and not an open railing with glass.
- (b) The parapet, in accordance with part (a) above, is to be positioned around the outer edge of the garden area to the private roof terraces and not within the middle of the garden area to the roof terraces as shown on the roof top plan.

- (c) A revised roof plan and sections are to be submitted showing the new parapet wall around the outer edge of the garden area to the roof terraces; and
- (d) Details of the design and materials for the new parapet to the roof garden area are to be submitted.

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

(4) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Delete the northern balcony to apartment 203 on the second floor. The adjoining planter box/garden can be increased in size but is to remain non-trafficable.
- (b) Reduce the northern balcony to apartment 202 so that its return on the northern side is no more than 600mm deep. The balcony outline is to match the outline of the balcony above at apartment 302. The adjoining planter box/garden can be increased in size but is to remain non-trafficable.
- (c) The north facing glazed doors and windows to apartments 202, 203, 302 and 303 and north facing bedroom windows to apartments 202 and 302 shall be of window construction only, with fixed obscure glazing up to a height of 1500mm from the finished floor level, and designed to include high level openings above the obscure element to allow adequate ventilation to the rooms.
- (d) The light well at ground floor level to apartment G01 is to be accessible so that the area can be maintained by the occupier of that unit.
- (e) The western sides of the light well to apartments G01 and 104 are to have obscure glazing up to a height of 1500mm from the finished floor level, and designed to include high level openings above the obscure element to allow adequate ventilation and maintain privacy.
- (f) The northern side of the southern light well at first, second and third floors is to include openings in the glazing to allow ventilation to the corridors.
- (g) The door between the bedroom and balcony to apartment 104 is to be deleted.

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

(5) LANDSCAPING

A revised landscaping plan reflecting the changes to the planter box/garden areas at the second floor and showing the relocated handrail around the private roof terraces, is to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

(6) PLANTER BOXES/GARDENS TO SECOND FLOOR

The planter boxes/gardens on the second floor are to be non-trafficable.

(7) TREATMENT OF PROPOSED FACADE

Precise architectural detailing and street frontage treatments to the front facade are to be submitted for approval by Council's Area Planning Manager, prior to the Construction Certificate being issued. Details to be submitted should include course detailing and brickwork, fenestration detailing and details of the design and materials for the awnings to the commercial unit.

(8) HOURS OF OPERATION - GROUND FLOOR COMMERCIAL PREMISES

The hours of operation of the ground floor commercial premise are restricted to between 9.00am and 6.00pm, Monday to Sunday including public holidays.

(9) SIGNS - SEPARATE DA REQUIRED

A separate development application for any new signs (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.

(10) FOOD AND DRINK PREMISES - SEPARATE DA REQUIRED

A separate development application must be submitted to and approved by Council in the event that the ground floor commercial tenancy is to be used as a food and drink premises. Approval must be obtained prior to that fitout or use commencing.

(11) ENCLOSURE OF STUDIO APARTMENT BEDROOMS

Doors, partitions or the like are not permitted to enclose the bedroom areas within any studio apartments in the development.

(12) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES

All external finishes, colours and glazing must be in accordance with the 'External Finishes' sample board prepared by THOSE ARCHITECTS.

(13) STUDY/MEDIA AREAS

The 'Media' room to apartment G01 and the 'Study' to apartment 104 shall be used as indicated and associated residential storage areas, and shall not be converted to a separate habitable bedrooms.

(14) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels 1-4) 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 permanent residential accommodation. 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.

(15) 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.

(16) TREES APPROVED FOR REMOVAL

All trees detailed in Table 1 below are approved for removal.

Table 1 – Tree Removal:

That the following trees be removed during the development works on the subject site.

Tree No	Botanical/Common Name	Location
1	Celtis sinensis (Chinese Hackberry)	11A Harmer Street

(17) 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 100 litres and a minimum height of 2.5 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 that all tree planting/s have been 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.
- (g) Upon receipt and acceptance that all replacement tree planting/s have been completed to Council's satisfaction, an occupancy certificate will be issued.

(18) 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.

(19) 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	\$5,399.99
Public Domain	\$10,411.71
New Open Space	\$84,713.33
Accessibility	\$854.55
Management	\$923.97
Total	\$102,303.56

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 – October 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.

(20) 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 they are not eligible to participate in any existing or proposed Council on-street resident parking schemes. The owner of the building/dwellings must advise all intending owners, tenants and occupiers about this prohibition in writing at the time of entering into a purchase / lease / occupancy agreement.

(21) 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.

(22) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The bicycle cages within the bike storage area at ground floor level are to be retained as bicycle cages unless otherwise approved by Council.
- (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.

(23) ROADS AND MARITIME SERVICES

The following are the requirements of RMS:

- (a) Roads and maritime has acquired an easement in stratum beneath the subject property for rock anchors as shown on DP 267795 – Government Gazette dated 29 August 1997 Folio 7740.
 - (i) The proposed development must be erected clear of the identified easement and not compromise the integrity of the easement.
- (b) The proposed development is to be designed such that road traffic noise from M1 Motorway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.
- (c) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management Roads and Maritime Services, PO Box 973 Parramatta CBD 2124.

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

- (d) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on M1 Motorway during construction activities.
- (e) All demolition and construction vehicles are to be contained wholly within the site. A construction zone will not be permitted on M1 Motorway.

(24) SYDNEY TRAINS

The following are the requirements of Sydney Trains:

- (a) An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Road – Interim Guidelines".
- (b) 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 that report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

- (c) Given the likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that face the rail corridor, the Applicant is required to install measures (e.g. awning windows, louvres, enclosed balconies etc.) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.
- (d) Prior to the issues of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statement (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this conditions has been satisfied.
- (e) No metal ladders, tapes and plant/machinery, or conducive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
- (f) Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains Requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (g) Prior to the commencement of works and prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project 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 construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (h) In the event that the proposed development involves ground penetration deeper than 2m and within 25m of the rail corridor, the Applicant shall submit to Sydney Trains for endorsement prior to issue of the Construction Certificate, the following terms:
 - (i) Geotechnical and Structural report/drawings
 - (ii) Construction methodology with details pertaining to structural support during excavation.
 - (iii) Cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support system adjacent to the Rail Corridor; and
 - (iv) Details Survey Plan showing the relationship of the proposed development with respect to Rail Corp's land and infrastructure.

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.

(25) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

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

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

A digital based recording is to include:

- (f) Thumbnail image sheets and a selection of A5 or A4 size images, all labelled and cross-referenced to the catalogue sheets and base plans, and processed on A4 size archival photographic paper using archivally stable inks.
- (g) CD or DVD containing the report in PDF format and the electronic images saved as JPEG or TIFF files and cross referenced to the catalogue sheets.

A film based recording is to include:

- (h) 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.

(26) HERITAGE INTERPRETATION PLAN (AS MODIFIED)

- (a) An interpretation plan for the site must be submitted to and approved by Council's Urban Design and Heritage Manager, prior to a Construction Certificate being issued.
- (b) The interpretation plan must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts, early plans and photographs are some of the means that can be used.
- (c) The plan is to be prepared by a suitably experienced heritage practitioner.
- (d) The plan must specify the location, type, making materials and contents of the interpretation devices being proposed.
- (e) Prior to an Occupation Certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager.

(27) DISPOSAL OF SURPLUS SALVAGED MATERIALS

The Salvaged traditional building materials surplus to the requirements of this project should where possible are to be sold to an established dealer in second hand heritage building materials rather than be scrapped.

(28) ARCHAEOLOGY

- (a) Should any historical relics be unexpectedly discovered in any areas of the site, then 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 in any areas of the site, then all excavation or disturbance of the area is to stop immediately and the NSW Department of Environment and Heritage (NPWS) are to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

(29) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of adjoining properties 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.

(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) 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.

(32) 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.

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

The Erosion and Sediment Control Plan accompanying this Development Application has not been approved by this consent.

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.

(34) 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).

(35) 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.

Note: Attachments or connections to party walls may require the consent of the adjoining property owner/s.

(36) 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.

(37) 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 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.

(38) 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.
- (f) 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.

(39) 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).

(40) 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.

(41) 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.

(42) 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.

(43) 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.

(44) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Bourke Street 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.

(45) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of asphalt footway with stone kerb site frontage on Bourke Street and 4 lineal metres of asphalt footway with concrete kerb site frontage on Harmer Street 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.

(46) 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.

(47) 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.

(48) 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.

(49) 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.

(50) 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.

(51) 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).

(52) 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).

(53) 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.

(54) 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.

(55) LOT CONSOLIDATION

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

(56) 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.

(57) 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 [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.

(58) 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.

(59) 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.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

(60) 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.

(61) 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.

(62) 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 and designed to provide for:

- (i) a receptacle holding area, provided at street level, within 10m of and at the same level as the standing area for a waste collection vehicle on Harmer Street adjoining the site, and inside the property boundary, for waste collection purposes;
 - (ii) waste receptacles or garbage bins must not be stored on the footways of Bourke Street or Harmer Street adjoining the development prior to collection or at any other time;
 - (iii) the residential garbage room to be designed to allow for cleaning, draining and management of the room;
 - (iv) the residential garbage room servicing the proposed building to include adequate space for the separation of putrescible waste from waste suitable for recycling; and
 - (v) the physical separation of residential waste from that generated by the commercial tenancy.
- (c) All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (d) 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

- (e) 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.

(63) 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.

(64) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(65) 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.

(66) 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.

(67) 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.

(68) 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.

(69) 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 Vipac Engineers & Scientists Ltd, dated 14th April 2015, Document No. 20E-14-0298-TRP-468846-1, titled Acoustic Assessment for DA, Council Ref 2015/184485 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.
- (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.

(70) 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 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.

(71) 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 9.30am – 12.30 and 2.00 – 4.30 Monday to Friday.
- (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.

(72) 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.

(73) 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.

(74) 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.

(75) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(76) 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.

(77) 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.

(78) 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.

(79) 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.

(80) 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.

(81) 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.

(82) 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.

(83) 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.

(84) 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.

(85) 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.

(86) 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.

(87) STREET NUMBERING

Prior to an Occupation Certificate being issued, street numbers and the building name must be clearly displayed on the ground level frontage of the development 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) 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 modellers 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.

(89) 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.

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.

Speakers

Ms Caron Brown and Mr Richard Wykes addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.9.

ITEM 9.10**DEVELOPMENT APPLICATION: 22-38 YURONG STREET DARLINGHURST (D/2015/421)**

It is resolved that:

- (A) the request to vary the height and FSR development standards under Clauses 4.3 and 4.4 of Sydney Local Environmental Plan 2012 is not supported; and
- (B) Development Application No. D/2015/421 be refused for the following reasons:
 - (1) The proposal has failed to demonstrate that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out and, as such, does not satisfy the requirements of Clause 7 of State Environmental Planning Policy 55 – Remediation of Land.
 - (2) The proposal is not of an appropriate bulk and scale, fails to provide adequate building separation, fails to respond to the desired future character of the area and, as such, fails to comply with design quality Principles 2 (Scale) and 3 (Built Form) of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.
 - (3) The proposal fails to provide adequate natural ventilation, solar access, visual privacy, meet minimum apartment sizes or provide sufficient communal open space and, as such, fails to comply with design quality Principle 7 (Amenity) of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, and Section 4.2.3 of Sydney Development Control Plan 2012.
 - (4) The proposal exceeds the maximum permissible building height for the site under Clause 4.3 of Sydney Local Environmental Plan 2012, resulting in view loss from neighbouring residential properties and a building that is of excessive bulk and scale.
 - (5) The proposal exceeds the maximum permissible Floor Space Ratio for the site under Clause 4.4 of Sydney Local Environmental Plan 2012, resulting in a building envelope that is of excessive bulk and scale and is unsympathetic to the contributory item within the site.
 - (6) The proposal does not demonstrate design excellence, as it is considered to be of excessive bulk and height, fails to provide adequate building separation, responds unsympathetically to the contributory item within the site and would result in detrimental impacts on views and therefore fails to comply with Clause 6.21 of Sydney Local Environmental Plan 2012.
 - (7) The proposal has failed to demonstrate that the development is compatible with the flood hazard of the land, has failed to incorporate appropriate measures to manage risk to life from flood and, as such, fails to comply with Clause 7.15 of Sydney Local Environmental Plan 2012.
 - (8) The proposal does not respond sympathetically to the siting, form, height or roofscape of the contributory item within the site and, as such, does not comply with Section 3.9.6(1) of Sydney Development Control Plan 2012.

- (9) The proposal exceeds the maximum number of storeys as shown in the building height in storeys map and, as such, fails to comply with Section 4.2.1.1 of Sydney Development Control Plan 2012.
- (10) The proposal fails to respond appropriately to the future desired character of the locality and is not in the public interest.

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

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

Carried unanimously.

Speakers

Mr Giovanni Cirillo addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.10.

ITEM 9.11

DEVELOPMENT APPLICATION: 47 AND 49-53 WENTWORTH AVENUE SYDNEY (D/2015/920)

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/920, subject to the following conditions:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

(1) DESIGN EXCELLENCE STRATEGY

A comprehensive Design Excellence Strategy shall be prepared in accordance with the requirements of Section 3.3 of the Sydney Development Control Plan 2012.

This Strategy shall be approved by the Director City Planning, Development and Transport prior to the activation of this consent and prior to the endorsement of any competitive design process brief.

- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement condition, as indicated above, must be submitted to Council within 24 months of the date of determination, failing which, this deferred commencement consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979;

- (C) the consent will not operate until such time that the Council notifies the applicant in writing that deferred commencement consent condition, as indicated above, has been satisfied; and
- (D) 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:

PART B – CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

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) STAGED DEVELOPMENT APPLICATION

Pursuant to Clause 100 of the Environmental Planning and Assessment Regulation 2000, this Notice of Determination relates to a Stage 1 development application and a subsequent development application (Stage 2) or applications are required for any work on the site.

(2) APPROVED STAGE 1 DEVELOPMENT

- (a) Development consent is limited to a Stage 1 concept plan building envelope and indicative land uses within this envelope, in accordance with Development Application No. D/2015/920, dated 2 July 2015, and the following drawings:

Drawing Number	Architect	Date
A02.001[A]	Bates Smart	01.10.14
A07.011[A]	Bates Smart	01.10.14
A07.012[A]	Bates Smart	01.10.14
A07.013[A]	Bates Smart	01.10.14

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.

(3) MATTERS NOT APPROVED IN STAGE 1 DEVELOPMENT CONSENT

The following matters are not approved and do not form part of this Stage 1 development consent:

- (a) any works, including demolition, excavation and construction;
- (b) subdivision;
- (c) the vehicular access / crossover location on Foy Lane;
- (d) the siting and configuration of substation;
- (e) the layout, number and mix of residential apartments;
- (f) the layout of the hotel accommodation and ancillary food and drinks premises and gymnasium uses, and the total number of hotel rooms;
- (g) the number and configuration of the basement level/s;
- (h) the number and configuration of car spaces, bicycle spaces and loading spaces / zones;
- (i) the precise quantum of residential and hotel floor space; and
- (j) any additional 10% design excellence uplift in the height of the building under Clause 6.21 of the Sydney Local Environmental Plan 2012.

(4) LOCATION OF RESIDENTIAL LAND USES

No residential land uses are approved on levels 1 to 7 within the podium of the building. Residential apartments must not be provided below RL 48.34.

(5) STAGE 2 DESIGN TO BE CONTAINED WITHIN APPROVED ENVELOPE

The detailed Stage 2 design of the building, including services and balconies, must be contained within the building footprint and envelope approved as part of this consent and comply with relevant planning controls.

(6) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

- (a) A competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 (as amended) shall be conducted prior to the lodgement of a Stage 2 Development Application (DA).
- (b) The detailed design of the development must exhibit design excellence.

(7) BUILDING HEIGHT

- (a) The maximum height of the building, as defined in the Sydney Local Environmental Plan 2012 (as amended), must not exceed 60 metres.
- (b) Notwithstanding clause (a) above, the proposal may be eligible for up to 10% design excellence uplift in height pursuant to the provisions of Clause 6.21(7) of Sydney Local Environmental Plan 2012.

(8) FLOOR SPACE RATIO – CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible, and shall be calculated in accordance with the provisions of Clauses 4.4 and 6.4 of the Sydney Local Environmental Plan 2012 (as amended).
- (b) Notwithstanding clause (a) above, the proposal may be eligible for a 10% design excellence uplift in floor space ratio pursuant to the provisions of Clause 6.21(7) of Sydney Local Environmental Plan 2012.
- (c) Precise details of the distribution of floor space shall be provided with the future Stage 2 Development Application.
- (d) Any floor space ratio in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.11 of the Sydney Local Environmental Plan 2012.

(9) RESIDENTIAL LAND USE

- (a) The residential component of the development must be designed to comply with the principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, the provisions of the Apartment Design Guide (ADG), and the provisions of the Sydney Development Control Plan 2012.

In particular, attention is drawn to the following:

- (i) The objectives and design criteria with the ADG relating to the size and solar access of communal open space.
- (ii) The objectives and design criteria within the ADG relating to building separation distance and visual privacy.
- (iii) The ADG design criteria for having at least 70% of apartments within a development to receive a minimum of 2 hours of direct sunlight between 9am and 3pm on 21 June.
- (iv) The ADG design criteria for having at least 60% of apartments within a development to be naturally cross ventilated or deemed naturally cross ventilated.
- (v) The minimum floor to floor and floor to ceiling heights as stipulated in the ADG and Sydney DCP 2012.
- (vi) The objectives and design criteria within the ADG relating to apartment sizes and room dimensions.
- (vii) The objectives and design criteria within the ADG relating to private open space sizes and dimensions.
- (viii) The provisions relating to bicycle parking and associated facilities under Section 3.11.3 of the Sydney DCP 2012.

- (ix) The provisions relating to flexible housing and dwelling mix under Section 4.2.3.12 of Sydney DCP 2012.
- (x) The provisions relating to adaptable dwelling mix under Section 3.12.2 of the Sydney DCP 2012.
- (b) A BASIX Certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the Stage 2 Development Application.

(10) HOTEL USE

Documentation shall be submitted with the Stage 2 Development Application for the hotel use and its operation in accordance with the requirements of Section 4.4.8 of the Sydney DCP 2012.

(11) DETAILED DESIGN OF BUILDING

The design brief for the competitive design process shall incorporate the following requirements:

- (a) Provision of an appropriate design response to address the built form, facade alignment and upper level setback of the approved development scheme for the adjoining site at No. 55-59 Wentworth Avenue.
- (b) Consideration of the built form and façade treatment to achieve an appropriate architectural relationship with the retained Federation warehouse building on the site.
- (c) Provision of an aesthetically and visually interesting treatment to the side elevations of the building adjacent to the north-eastern and south-western boundaries of the site.
- (d) Consideration of having a street frontage height for the infill building at No. 47 Wentworth Avenue, which is less than the height of the projecting cornice of the retained warehouse or less than RL 52.76, in order to maintain the prominence of the Federation warehouse building.
- (e) Provision of greater activation of the Foy Lane ground floor frontage.
- (f) Provision of separate lobbies and waste storage facilities for the hotel and residential land uses.
- (g) Provision of bicycle and end of trip facilities in compliance with the provisions of the Sydney DCP 2012.

(12) HERITAGE CONSERVATION

The competitive design process and the Stage 2 development application must comply with the following:

- (a) The sympathetic adaptive reuse of the building at 49-53 Wentworth Avenue, Sydney.

- (b) The sympathetic adaptive reuse is to include the conservation of all fabric, components and spaces, which reflect the historically significant use of the building, including but not limited to the following:
 - (i) The rear cart dock space and goods lift shaft, including walls, cast iron wheel tracks, ribbed concrete floor, the dock, lift doors, remaining lift rails and cage, steps and footpath and gutter crossing.
 - (ii) The western fire stairs between the Ground Floor and the underside of the Level 2 slab.
 - (iii) The fire doors from various levels of the building to be salvaged for reinstatement on the Ground and First Floor levels.
 - (iv) The Ground Floor strong room walls and door.
 - (v) Door and window joinery, steel framed windows, original glazing, and original door and window hardware. Note: Original operable sashes are to be conserved as operable.
 - (vi) Brickwork. Note: All internal face brickwork is to remain unpainted and is not to be covered over.
 - (vii) Reinforced concrete slabs, lintels and external features.
 - (viii) Concrete encased steel structural framing.
 - (ix) External cement render.
 - (x) External pressed metal.
 - (xi) Stonework crossings and gutters.
 - (xii) The pavement lights to Wentworth Avenue.
 - (xiii) The Sydney Water oviform stormwater channel.
- (c) Submission of an outline Schedule of Exterior and Interior Conservation Works to be undertaken as part of the development, including the conservation of all items listed above, and the reinstatement of the central timber flagpole at parapet level.
- (d) Where ground floor façade elements have been lost, new elements are to interpret the original warehouse character and function of the building.
- (e) The estimated cost of conservation works outlined above is to be included in the Cost Summary Report.

(13) HERITAGE INTERPRETATION STRATEGY

The Stage 2 development application is to incorporate an interpretation strategy that details how information on the history and significance of the site will be provided for the public. Interpretation by design should form an integral aspect of the strategy, in addition to other devices such as display and public art. The strategy is to provide preliminary recommendations as to the type, location and spatial requirements of the interpretation, including for archaeological display.

(14) PUBLIC ART

- (a) A Public Art Strategy is to be developed for the site/development in accordance with the Sydney DCP 2012 and the Public Art Policy. This Strategy shall form part of the documentation lodged with the future Stage 2 Development Application.
- (b) The requirement to accommodate public art as part of the redevelopment of the site must form a component of the competitive design process brief and the nominated location should be included in any future Stage 2 Development Application.

(15) WIND

Prior to the lodgement of a Stage 2 Development Application, the detailed design shall be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and conditions within the publicly accessible pedestrian space, the surrounding streets, neighbouring buildings, communal external areas within the subject development and private open space. Any recommendations of this wind tunnel testing and wind assessment report shall be incorporated into the final detailed design lodged as a Stage 2 Development Application.

(16) LOT CONSOLIDATION

The Stage 2 Development Application is to provide for all land titles within the site to be consolidated into one lot.

(17) CONSTRUCTION NOISE MANAGEMENT PLAN

A Construction Noise Management Plan must be prepared and submitted with the Stage 2 Development Application. This Plan must be prepared by a suitably qualified acoustic consultant and must detail, but not limited to, the following:

- (a) the equipment to be used during construction on site, the quantity of all equipment and a plan of how equipment will be operated on site cumulatively;
- (b) the type of work that will be conducted during the construction process;
- (c) details on (any) respite periods and any noise mitigation measures required; and
- (d) detail the extent of community consultation to be undertaken.

(18) RESIDENTIAL ACOUSTIC AMENITY- ACOUSTIC REPORT

The Stage 2 development application is to be accompanied by an acoustic report prepared by a suitably qualified acoustic consultant* which demonstrates that the development will be capable of achieving adequate levels of acoustic amenity for future occupants.

*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 Acoustical Consultants.

(19) TRANSPORT IMPACT ASSESSMENT

A detailed Transport Impact Study must be prepared in accordance with the provisions of Schedule 7.4 of Sydney DCP 2012, and shall be submitted with the Stage 2 Development Application.

(20) CAR PARKING SPACES AND DIMENSIONS

(a) The permissible number of car parking spaces is to be established as part of the Stage 2 Development Application.

(b) 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-street commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities.

(21) BICYCLE PARKING AND END OF TRIP FACILITIES

Details of the location, number and class of bicycle parking must be included in the Stage 2 Development Application.

Bicycle parking for residents and employees may be provided in the uppermost basement parking level. Class 2 facilities, or a combination of Class 1 and Class 2 facilities, are considered acceptable for residents. Employee bicycle parking is to be provided in close proximity to end-of-trip facilities.

All visitor bicycle parking is to be provided at grade in an easily accessible and visible location.

Note: Council supports the provision of innovative bicycle parking solutions in new development. Should the applicant wish to discuss bicycle parking options, please contact the City Access and Transport Unit.

(22) LOADING WITHIN SITE

All loading and delivery 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.

(23) SERVICE VEHICLE SIZE LIMIT

The Stage 2 Development Application must include swept paths for the largest vehicles to access the building. These will be used to determine a condition for the largest vehicle permitted to service the site.

The swept path analysis must take into account any vehicles legally parked on Foy Lane.

(24) LOADING DOCK MANAGEMENT PLAN

A management plan demonstrating how the loading and unloading requirements of the hotel accommodation and residential apartments can be catered for by the loading dock must be submitted with the Stage 2 Development Application.

(25) COACH PARKING MANAGEMENT PLAN

A Coach Parking Management Plan for the hotel use is to be submitted with the Stage 2 Development Application.

(26) 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.

(27) ASSOCIATED ROADWAY COSTS

All costs associated with the future 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".

(28) 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.

(29) 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.

(30) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

An access report shall be submitted with the Stage 2 Development Application to demonstrate that the building has been designed, and is capable of being constructed, to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

(31) DETAILED ENVIRONMENTAL SITE INVESTIGATION

- (a) A Detailed Environmental Site Assessment (DESA) must be submitted for approval with the Stage 2 Development Application. The DESA must be carried out in accordance with the NSW EPA Contaminated Sites guidelines, certifying that the site is suitable (or will be suitable, after remediation) for the proposed use.

Note: Where the Detailed Environmental Site Assessment states the site is suitable for the proposed use, it is to be peer reviewed by a NSW EPA accredited site auditor and a Site Audit Statement submitted to Council prior to granting any consent, certifying that the site is suitable for the proposed use.

- (b) Where the Detailed Environmental Site Assessment states that a Remediation Action Plan (RAP) is to be undertaken, the RAP is to be peer reviewed by a NSW EPA Accredited Site Auditor and include a statement certifying that the RAP is practical and the site will be suitable after remediation for the proposed use before scheduled conditions of consent can be activated.
- (c) The RAP and NSW EPA Accredited Site Auditors review and statement must be submitted to the Health and Building Unit for review and written approval before scheduled conditions of consent can be activated.

(32) WASTE FACILITIES

The Stage 2 Development Application shall demonstrate:

- (a) Compliance with Council's "Policy for Waste Minimisation in New Developments."
- (b) That adequate provision has been made for the separate storage of commercial and residential waste.

(33) SYDNEY WATER

The following information and requirements of Sydney Water must be fully addressed and detailed in the Stage 2 Development Application:

- (a) Sydney Water has an 1830mm (H) x 1220mm (W) brick oviform stormwater pipe and 300mm Vitrified Clay (VC) pipe located under the existing building on the proposed development site. The proponent is required to provide sufficient evidence that the new proposal would not increase any existing load over the stormwater channel/pipe.
- (b) A pre and post construction dilapidation assessment of the stormwater pipe is to be conducted and a copy of the report to be submitted to Sydney Water for review.
- (c) Bond money is required for the proposed work at the vicinity of the stormwater channel/pipe. The amount of the bond money would be determined based on the dilapidation survey report.
- (d) Existing footing configuration is to be established by excavation of test pits. All new footings must be founded 1m below the stormwater invert level.
- (e) Appropriate monitoring methodology is to be developed, that will consider the likely impacts on Sydney Water's stormwater channel/pipe due to the use of heavy machinery in the vicinity of the stormwater channel.
- (f) The final foundation/structural design of the proposed works is to be conceived in such a way that the proposed structures are to be located at least 1m away from the outside face of the stormwater channel and should be able to protect Sydney Water's stormwater channel.

Advisory

Water

- For the proposed development, the drinking water main available for connection is the 150mm main in Wentworth Avenue.
- Detailed drinking water requirements will be provided at the Section 73 application phase.

Wastewater

- For the proposed development, the wastewater main available for connection is the 450mm main in Wentworth Avenue.
- Detailed wastewater requirements will be provided at the Section 73 application phase.

(34) AUSGRID

- (a) Consultation is required with Ausgrid to ensure that technical and statutory requirements in regards to the safe and reliable operation and maintenance of Ausgrid's network are maintained.
- (b) Details of the consultation undertaken are to be provided with the Stage 2 Development Application.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A 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 9.12**DEVELOPMENT APPLICATION: 291 GEORGE STREET WATERLOO – THE DUKE OF WELLINGTON (D/2015/326)**

It is resolved that

- (A) Council support the variation sought to Clause 4.3 “Height of Buildings” in accordance with Clause 4.6 “Exceptions to development standards” in Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/323, 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/2015/323 dated 13 March 2015 and the following drawings:

Drawing Number	Architect	Date
DA 000 Issue 2	BKA Architecture	03/08/15
DA 100 Issue 3	BKA Architecture	03/08/15
DA 101 Issue 5	BKA Architecture	02/09/15
DA 102 Issue 4	BKA Architecture	02/09/15
DA 103 Issue 3	BKA Architecture	03/08/15
DA 104 Issue 3	BKA Architecture	03/08/15
DA 105 Issue 3	BKA Architecture	03/08/15
DA 106 Issue 2	BKA Architecture	03/08/15
DA 107 Issue 2	BKA Architecture	03/08/15
DA 200 Issue 3	BKA Architecture	03/08/15
DA 201 Issue 2	BKA Architecture	03/08/15

Drawing Number	Architect	Date
DA 202 Issue 2	BKA Architecture	03/08/15
DA 300 Issue 2	BKA Architecture	03/08/15
DA 301 Issue 3	BKA Architecture	03/08/15
DA 302 Issue 3	BKA Architecture	03/08/15

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) The south facing windows to the bedroom in Units 2, 8, 11 and 14 are to be opaque glazed and fixed shut, apart from the top horizontal panel to each windows, to ensure privacy to the residential dwellings to the south are maintained;
- (b) The door and section of wall that meets the bathroom to the room marked 'store' within Unit 7 (as marked up on the plans) must be deleted so the room is not used as a bedroom;
- (c) The doors and balcony to the bedroom within unit 11 must be shifted southward to allow for allow for the doors to be accessed;
- (d) The ground floor lobby and courtyard must be amended to accommodate 16 resident cycle spaces and 2 visitor cycle spaces; and
- (e) The translucent glass balustrading to the northern facing balconies at levels 2-4 of the new residential flat building must be amended to incorporate a predominantly solid, non-transparent material.

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.

(3) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 38.2 (AHD) to the top of the building (lift overrun), 36.85 (AHD) to the top of the rooftop pergola structure and RL 35.25 (AHD) to the parapet 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.

(4) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio must not exceed 1.75:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area is 1,018sqm.
- (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) 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.

(6) MATERIALS AND SAMPLES BOARD

A materials sample board detailing all proposed finishes must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued.

(7) USE - SEPARATE DA REQUIRED

A separate development application for the fitout and use of the shop at the ground floor of the retained Duke of Wellington building must be submitted to and approved by Council prior to that fitout or use commencing.

(8) USE OF COMMON AREAS AND FACILITIES

The roof top 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.

(9) 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.

(10) 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.

(11) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs (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.

(12) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the buildings 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 permanent residential development. 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.

(13) RETENTION OF INTERNAL FEATURES (as amended)

The existing ceilings and joinery at bar area are to be retained.

(14) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) 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.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999.

- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The new windows and doors on the existing building must match the original material.
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (h) Where internal partitions meet external walls they must abut windows mullions, columns or other such building elements and not glazing.

(15) 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.

(16) USE OF HERITAGE CONSULTANT

A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms are to be provided to Council's Urban Design and Heritage Manager prior to commencement of work on site. The heritage consultant must sign off the completed project and submit a final report to Council's Urban Design and Heritage Manager specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

(17) 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.

(18) 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".

(19) 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.

(20) TREES APPROVED FOR REMOVAL

All trees detailed in Table 1 below are approved for removal.

Table 1 – Tree Removal:

That the following trees be removed during the development works on the subject site:

Tree No	Botanical/Common Name	Location
1	Citrus x paradisi (Grapefruit)	Courtyard
2	Celtis sinensis (Chinese Hackberry)	
3	Plumeria spp. (Frangipani)	
4	Plumeria spp. (Frangipani)	

(21) TREES THAT MUST BE RETAINED

That the existing trees detailed in Table 2 below be retained and protected throughout the proposed development.

Table 2 – Tree Retention:

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

Tree No	Botanical/Common Name	Location
5	Melaleuca quinquenervia (Paperbark)	Street Tree
6	Celtis sinensis (Chinese Hackberry)	331-337 George Street

(22) 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 protection must be undertaken prior to the issuing of the Construction Certificate. 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 [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.

(23) TREE PRUNING

- (a) The consent from Council must be obtained prior to the undertaking of any tree pruning works including street trees, neighbours trees and 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'.

(24) BICYCLE PARKING

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

Bicycle Parking Type	Number	Requirements
Residential	16	Spaces must be a class 1 bicycle locker [1]
Residential visitor	2	Spaces must be Class 3 bicycle rails

- (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.

(25) 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.

(26) 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.

(27) 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	\$24,719.19
Public Domain	\$13,925.39
New Open Space	\$108,503.44
New Roads	\$27,556.81
Accessibility	\$1,142.94
Management	\$1,235.79
Total	\$177,083.56

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 – October 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.

(28) 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.

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted and approved Demolition, Excavation and Construction Management.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by Council's Health and Building Unit.

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Ben White Of Acoustic Logic dated 15/12/2014, ref 20141502.1/1512A/R0/BW, titled DA Noise Impact Acoustic Assessment (The Report), Council Ref Exhibition Document 2015/111891 DA Noise Impact Acoustic Assessment v0 13032015 16/3/2015 at 11:21 AM D/2015/326 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 4.1.2 -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 1 – Measured Existing Traffic Noise Levels:

Location	Measured Traffic Noise Level dB(A) $L_{eq(1hr)}$	
	Daytime (7am-10pm)	Night time (10pm-7am)
George Street	67	64
Wellington Street	65	64

- (ii) Section 4.2.1 the consultant has recommended minimum thickness of the glazing constructions for the window and door seals of the building as out lined in Table 2 – Recommended Glazing Constructions:

Level	Façade Location	Room Type	Recommended Construction
All Levels	George Street	Bedrooms	10.38mm Laminated
		Living rooms	6.38mm Laminated
	Wellington Street	Bedrooms	10.38mm Laminated
		Living rooms	6.38mm Laminated
	All Other Façade orientations	Bedrooms	6.38mm Laminated
		Living rooms	6.38mm Laminated

- (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 Principal 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.

(31) 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.

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.

(32) USE OF INTRUSIVE APPLIANCES

A report detailing the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or 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, is to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

As a minimum, the report must specify:

- (a) Specific the proposed hours and days of operation;
- (b) The tasks that the equipment will be used for;
- (c) Justify in writing why the intrusive appliance cannot be substituted for a lower impact apparatus;
- (d) Provide for how noise will be managed to comply with the above code, and if cannot, provide for how it will be managed to the lowest reasonable and feasible levels;
- (e) Indicate a timeframe for completion the associated task;
- (f) Provide details of respite periods which will occur to reduce exposure to intrusive noise at sensitive receiving locations,
- (g) Such periods and operating conditions must be submitted to and approved by Council's Health and Building Unit and approved to the satisfaction of the Area Planning Manager on a temporary basis referencing permitted activities and limiting periods which the activity may occur. These parameters will form part of this consent, and the temporary approval may be revoked should substantiated complaints occur including breach of the terms given.

(33) 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.

(34) 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.

(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) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(38) 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.

(39) DILAPIDATION REPORT – MINOR

Subject to the receipt of permission of the affected owners, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Principal Certifying Authority:

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

(40) 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.

(41) 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).

(42) 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.

(43) 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 Council's Area Planning Manager 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.
 - (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.

(44) 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.

(45) LANDSCAPED (GREEN) WALLS

The design of the green wall must demonstrate the response to site conditions, including in particular light availability, sun and wind impacts.

- (a) Prior to the issue of a Construction Certificate, the following design details of the proposed green wall must be submitted to, and approved by Council's Area Planning Manager:
 - (i) Detailed drawings demonstrating how the green wall is constructed, including proposed materials, planter dimensions, and integration into the wall structure;
 - (ii) Details of the proposed growing medium, including soil depth and type;
 - (iii) Location, numbers, type and size of plant species selected (with plants being selected on the basis of the site conditions);
 - (iv) Drainage, irrigation and waterproofing details (as applicable); and
 - (v) Details of any additional lighting (where applicable).
- (b) Prior to the issuing of a Construction Certificate a maintenance plan is to be submitted to, and approved by Council's Area Planning Manager. The maintenance plan is to include information on:
 - (i) How access will be provided to the plants, soil and structural elements for installation and maintenance; and
 - (ii) Details outlining the intended strategy for decommissioning the planting works should plants fail. This strategy is to ensure that the finish to the wall is well maintained throughout its life.

(46) 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's Area Planning Manager prior to the Construction Certificate being issued.

(47) 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.

(48) 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.

(49) FLOOR TO CEILING HEIGHT

Prior to a Construction Certificate being issued, the Certifying Authority must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

(50) 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.

(51) 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).

(52) 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.

(53) 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.

(54) 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.

(55) SYDNEY WATER CERTIFICATE - SUBDIVISION

Prior to the issue of a Subdivision/Strata 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 a Subdivision/Strata Certificate being issued.

(56) SYDNEY WATER CERTIFICATE (QUICK CHECK)

- (a) The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au, (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92.
- (b) The Consent Authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of work.

(57) 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.

(58) 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.

(59) HERITAGE CONSERVATION WORKS

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's own Heritage Specialist for approval.
- (b) The schedule is to detail the conservation works of all the retained external and internal fabric/features of the hotel building;
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.

- (d) **INSPECTION AND APPROVAL:** The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, in addition to applicant's heritage consultant, Council's own Heritage Specialist prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

(60) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan for the hotel building must be submitted to and approved by Council's Urban Design and Heritage Manager prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of the hotel will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (d) Prior to occupation certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager.

(61) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to the issue of the Construction Certificate, 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.

(62) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the existing Duke of Wellington pub 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.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.

- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

A digital based recording is to include:

- (f) 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.

A film based recording is to include:

- (g) 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.

(63) STRUCTURAL CERTIFICATION FOR DESIGN

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) must be submitted to the satisfaction of the Certifying Authority (Council or a private accredited certifier). A copy of the certificate must be submitted to Council if Council is not the CA.

(64) VERIFICATION OF SUPPORT FOR NEW LOADS

For alterations and additions to an existing building, a certificate from a qualified practicing structural engineer (NPER) must be submitted to the PCA prior to a Construction Certificate being issued. The certificate must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia.

(65) BASIX CERTIFICATE

A copy of the required completed BASIX certificate submitted as part of this application for development consent with respect to the proposed residential building works, must be lodged with any future application for issue of a construction certificate (CC) and items nominated as part of the subject certificate must be likewise indicated on the plans submitted for issue of the CC.

(66) 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).

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

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing parts of the building (including first floor) must comply with the deemed-to-satisfy provisions of the Building Code of Australia (BCA) and the following:
 - (i) Structural provisions - Part B1;
 - (ii) Fire resistance and stability - Part C1;
 - (iii) Compartmentation and separation - Part C2;
 - (iv) Damp and weatherproofing - Part F1;
 - (v) Sound transmission and insulation - Part F5;
 - (vi) Energy Efficiency – Building fabric - Part J1;
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the conditions listed above cannot be achieved, an alternate solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued the Certifying Authority must ensure that the building complies with the Building Code of Australia.

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

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed new building work must comply with the BCA Design Assessment Report P214_274_2 (BCA) LS dated 06 February 2015 prepared by Design Confidence including:
- (b) If compliance with the deemed-to-satisfy provisions of the BCA cannot be achieved, an alternate solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.

- (c) The BCA matters identified in this condition are not an exhaustive list of non-compliances with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend the development approved in this consent.

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

(69) 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.

(70) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued.

(71) 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.

(72) 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".

(73) 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.

(74) 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).

(75) 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.

(76) 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.

(77) 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.

(78) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 54 lineal metres of concrete 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.

(79) 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.

(80) 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.

(81) 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.

(82) 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.

(83) ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any demolition and remedial works an Environmental Management Plan (EMP) must be prepared for the site and submitted to the City's Area Planning Manager for written approval prior to the commencement of work. The EMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

All works must be undertaken onsite in accordance with the approved Environmental Management Plan.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(84) 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.

(85) BASIX

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

(86) 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.

(87) 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.

(88) 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.

(89) DEDICATION OF SPLAY

The owner must dedicate for road purposes, free of cost to Council, a splay aligned to the face of the existing building at the intersection of George and Wellington Street, on the understanding that the affected area can be used in the calculation of floor space for the building. The splay is to be detailed in a plan of subdivision/consolidation of the land. This plan must be registered at the Land and Property Information Office prior to an Occupation Certificate being issued.

(90) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(91) 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.

(92) 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.

(93) 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.

(94) 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.

(95) 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.

(96) 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.

(97) 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.

(98) 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.

(99) 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) 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.
- (e) 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.

(100) 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.

(101) 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.

(102) CYCLICAL MAINTENANCE PLAN

A cyclical maintenance plan specifying frequency and methodologies to conduct building inspections and maintenance works to building elements and services must be submitted to and approved by Council's Urban Design and Heritage Manager prior to Occupational Certificate. The maintenance plan is to be prepared by a suitably qualified heritage consultant and endorsed by the building owner.

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 9.13

DEVELOPMENT APPLICATION: 15 BOWDEN STREET ALEXANDRIA (D/2015/960)

It is resolved that:

- (A) pursuant to the provisions of Clause 4.6 of the Sydney Local Environmental Plan 2012, the variation sought to Clause 4.3 Height of Buildings be supported; and
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/960, subject to the following:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(1) VOLUNTARY PLANNING AGREEMENT

- (a) That a Voluntary Planning Agreement be executed and submitted to Council in accordance with the Public Benefit Offer by Paul Bettar and dated 26/10/2015.
- (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement.

- (c) The Voluntary Planning Agreement, as executed, must be registered on the title of land in accordance with the Voluntary Planning Agreement; and
 - (d) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement.
- (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 24 months of the date of this deferred commencement consent, failing which this deferred commencement 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 deferred commencement consent conditions, as indicated above, have been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as detailed in Part B – Conditions of Consent (Once the Consent is in Operation) of the subject report, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions, subject to the amendment of Part B - Condition (4) such that it read as follows:

(4) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 25.67 (AHD) to the top of the building and RL 25.67 (AHD) to the parapet 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.

Carried unanimously.

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

It is resolved that:

- (A) pursuant to the provisions of Clause 4.6 of the Sydney Local Environmental Plan 2012, the variation sought to Clause 4.3 Height of Buildings be supported; and
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/960, subject to the following:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(1) VOLUNTARY PLANNING AGREEMENT

- (a) That a Voluntary Planning Agreement be executed and submitted to Council in accordance with the Public Benefit Offer by Paul Bettar and dated 26/10/2015.
 - (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement.
 - (c) The Voluntary Planning Agreement, as executed, must be registered on the title of land in accordance with the Voluntary Planning Agreement; and
 - (d) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement.
- (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 24 months of the date of this deferred commencement consent, failing which this deferred commencement 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 deferred commencement consent conditions, as indicated above, have been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement conditions have 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:

PART B - CONDITIONS OF CONSENT**(ONCE THE CONSENT IS IN OPERATION)**

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent 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/2015/960 dated 08/07/2015 and the following drawings:

Drawing Number	Architect	Date
AR-B-00-01/E	BVN	07/10/2015
AR-B-01-01/C	BVN	16/06/2015
AR-B-03-01/C	BVN	16/06/2015
AR-B-03-02/C	BVN	16/06/2015
AR-B-04-01/E	BVN	20/10/2015
AR-C-XX-01/E	BVN	20/10/2015
AR-C-XX-02/E	BVN	20/10/2015
AR-C-XX-03/E	BVN	20/10/2015
AR-C-XX-04/E	BVN	20/10/2015
AR-D-XX-01/E	BVN	20/10/2015
AR-D-XX-02/E	BVN	20/10/2015
AR-D-XX-03/A	BVN	20/10/2015

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) HOURS OF OPERATION - MINOR DEVELOPMENT

The hours of operation are restricted to between 7:00am and 7:00pm Monday to Saturday, and 9:00am and 6:00pm Sundays and public holidays.

(3) 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 1.97:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area is 2979.89sqm.
- (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.

(4) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 25.67 (AHD) to the top of the building and RL 25.67 (AHD) to the parapet 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.

(5) APPROVED DESIGN ROOF - TOP PLANT

- (a) No plant is to be located on the rooftop between gridlines A and F, other than hydraulic vents.

- (b) All roof-top plant and associated equipment must be located within the approved building envelope.

(6) SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

(7) 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.

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

In accordance with Clause 7.13 of Sydney Local Environmental Plan 2012 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 \$178,805.57 based on the in lieu monetary contribution rate for non-residential development at \$58.04 per square metre of total non-residential floor area 3,080.73sqm. 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 1 March 2015 to 29 February 2016.

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 (\$)

(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	\$51,283.84
Public Domain	\$31,587.89
New Open Space	\$246,125.57
New Roads	\$62,508.95
Accessibility	\$2,592.62
Management	\$2,803.22
Total	\$396,902.09

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.

(10) 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.

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

A site specific Demolition, Excavation & Construction Noise & Vibration Management Plan shall be submitted to and approved by the Area Planning Manager prior to issue of any Construction Certificate.

The Demolition, Excavation & Construction Noise & Vibration Management 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 Demolition, Excavation & Construction Noise & Vibration Management Plan must include but not be limited to the following:

- (a) Identification of noise sensitive receivers near to the site.
- (b) The proposed hours of all construction and work on the development including building / demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc), in connection with the proposed development.
- (c) 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 7.00am 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) What course of action will be undertaken following receipt of a complaint concerning offensive noise.

- (h) 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.
- (i) 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.

(12) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the approved Demolition, Excavation and Construction Noise & Vibration Management Plan.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the City of Sydney Construction Hours / Noise Code of Practice 1992, and the works are giving rise to substantiated complaints, then process for variation to the approval will be as follows:
 - (i) The contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit.
 - (ii) Approval to vary the authorised noise and vibration levels must be sought from, and then approved by, Council's Area Planning Manager to their satisfaction prior to activities being undertaken that exceed sanctioned emission levels.
 - (iii) This, and any variation to the above approved process will be in accordance with the terms and process given in condition 45 – Use Of Intrusive Appliances and Variation to Construction Approval.

(13) USE OF INTRUSIVE APPLIANCES

A report detailing the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or 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", is to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

As a minimum, the report must specify:

- (a) Specific the proposed hours and days of operation;
- (b) The tasks that the equipment will be used for;
- (c) Justify in writing why the intrusive appliance cannot be substituted for a lower impact apparatus;

- (d) Provide for how noise will be managed to comply with the above code, and if cannot, provide for how it will be managed to the lowest reasonable and feasible levels;
- (e) Indicate a timeframe for completion the associated task;
- (f) Provide details of respite periods which will occur to reduce exposure to intrusive noise at sensitive receiving locations;
- (g) Such periods and operating conditions must be submitted to and approved by Council's Health and Building Unit and approved to the satisfaction of the Area Planning Manager on a temporary basis referencing permitted activities and limiting periods which the activity may occur. These parameters will form part of this consent, and the temporary approval may be revoked should substantiated complaints occur including breach of the terms given.

(14) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

Car Parking Type	Number
Office and business parking	20
Accessible office and business parking	1
Subtotal	21
Motorcycle parking	2
Total	23

(15) 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.

(16) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL WITH NO STRATA SUBDIVISION

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service car spaces, are not to be used other than by an occupant or tenant of the subject building.
- (b) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, 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, so 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.

(17) 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
Non-residential	22	Spaces must be Class 2 bicycle facilities
Non-residential visitor	8	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	22	

- (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.

(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) 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".

(20) 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.

(21) 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.

(22) TRANSPORT ACCESS GUIDE

A Transport Access Guide, including a strategy for the future distribution of the Guide to staff, clients, customers and visitors to the site, must be submitted to and approved by Council prior to the Occupation Certificate for the site/use being issued.

Note: Transport Access Guide requirements are detailed in section 7.7 of the DCP. Information about preparing a Transport Access Guide is available on Council's website. For further information about a preparing a Transport Access Guide, the applicant should contact the City's Transport and Access Unit.

(23) EXTERNAL LIGHTING

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

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

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

(24) 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.

(25) 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) 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.

(26) 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.

(27) 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.

(28) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(29) 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.

(30) 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).

(31) 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.

(32) 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).

(33) 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.

(34) 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.

(35) 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.

(36) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the 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.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

A digital based recording is to include:

- (f) 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.

A film based recording is to include:

- (g) 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.

(37) 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.

(38) 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.

(39) 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.

(40) 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).

(41) 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.

(42) 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.

(43) ENERGY EFFICIENCY OF BUILDINGS

The design of the building and its services must achieve a rating of 5 stars under the NSW Office and Environment and Heritage (OEH) National Australian Built Environment Rating System (NABERS Energy). This can be demonstrated by:

- (a) Entering into a Commitment Agreement with OEH, to deliver this star rating:
 - (i) for the base building, being services traditionally supplied as 'common' to tenants such as air conditioning, lifts and common area lighting;
 - (ii) or for the whole building where there is to be one tenant to occupy the whole building.

The applicant must provide a copy of the completed Commitment Agreement with their Construction Certificate application; and

- (b) Providing a copy of the independent energy assessment report to OEH and submitted with the Construction Certificate application, that follows the current OEH guidelines. This report must be based on the same documents as those submitted with the Construction Certificate.

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

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

(44) INSTALLATION OF DUAL-FLUSH TOILETS

All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Certifying Authority, prior to a Construction Certificate being issued.

(45) INSTALLATION OF WATER EFFICIENT TAPS

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Certifying Authority, prior to an Occupation Certificate being issued.

(46) INSTALLATION OF WATER EFFICIENT URINALS

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to a Construction Certificate being issued.

(47) 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.

(48) 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.

(49) 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.

(50) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) A Waste Management Plan is to be approved by the Certifying Authority 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 Building Waste Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

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

(51) 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.

(52) 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.

(53) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(54) 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.

(55) 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.

(56) 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).

(57) 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.

(58) 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.

(59) 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.

(60) 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.

(61) 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.

(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 43 lineal metres of concrete 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) 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.

(67) ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any demolition and remedial works an Environmental Management Plan (EMP) must be prepared for the site and submitted to the City's Area Planning Manager for written approval prior to the commencement of work. The EMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

All works must be undertaken onsite in accordance with the approved Environmental Management Plan.

(68) IMPORTED FILL MATERIALS

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

(69) LAND REMEDIATION

The site is to be remediated and validated in accordance with the recommendations set out within the Remedial Action Plan, prepared by TRACE Environmental dated 10 September 2015 reference 2.12.02 and in particular:

- (a) Remedial Action Plan -
 - (i) Sec 6.3 Table 6-1: Remedial Option Evaluation
 - (ii) Sec 6.4 Soil Remedial Strategy Details
 - (iii) Sec 6.4.1 Capping Details
 - (iv) Sec 6.4.2 Excavation and Off-site Disposal
 - (v) Sec 6.4.3 Soil Waste Classification
 - (vi) Sec 6.5 Soil Validation
 - (vii) Sec 6.6 Imported Fill Sampling
 - (viii) Sec 6.7 Reporting

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.

(70) 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.

(71) REGISTRATION OF COVENANT

A covenant shall be registered on the title of the land and a copy of the title submitted to the City's Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate, giving notice of the former land use and contamination of the site and the existence of any remaining encapsulated contaminated material which are subject to ongoing environmental management.

A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge there from of any contaminants or for any works subsequently required by the NSW Environment Protection Authority.

(72) SITE VALIDATION REPORT

Prior to the issue of an Occupation Certificate, a Site Validation Report is to be forwarded to City's Area Planning Manager, for written approval. The validation report is to be prepared by a suitably qualified environmental consultant with experience in land contamination and New South Wales EPA contaminated land legislation and guidelines including the Contaminated Land Management Act 1997. The report is to satisfactorily document the following.

- (a) The extent of validation sampling, and the results of the validation testing.
- (b) That the remediation and validation of the site has been undertaken in accordance with Remedial Action Plan prepared by TRACE Environmental dated 10 September 2015.
- (c) That the concrete slab capping layer has been inspected at the end of construction and the results have been documented within the Environmental Management Plan.
- (d) That an asbestos register has been created for the site.
- (e) That the site is suitable for the proposed use

(73) ENVIRONMENTAL MANAGEMENT PLAN

An Environmental Management Plan in relation to any residual contamination remaining onsite this must be submitted to the City's Area Planning Manager in writing prior to the issue of the issue of an Occupation Certificate.

A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge there from of any contaminants or for any works subsequently required by the NSW Environment Protection Authority

A copy of the revised certificate of land title recording the covenant must be submitted to the City's Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

(74) COMPLIANCE WITH APPROVED ENVIRONMENTAL MANAGEMENT PLAN

Any future intrusive ground works carried out that have the potential to conflict with any residual contamination remaining onsite must only be carried out in accordance with the Environmental Management Plan approved by the Council.

(75) LAND CONTAMINATION - RETENTION OF GROUND SLABS

No excavation or any access to soils is approved. The existing concrete slabs and hardstand areas must all be retained and maintained in their original form.

Should the slabs or any hardstand areas be damaged or disturbed at any point during the fit-out and use of the site an appropriately qualified Environmental Consultant must inspect the site immediately and determine whether contaminants have been disturbed. If preventative works need to be undertaken, a written statement prepared by a suitably qualified Environmental Consultant shall be provided to Council detailing the outcome of these investigations and associated works

(76) 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.

(77) 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.

(78) 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.

(79) STREET TREES CONDITIONALLY APPROVED FOR REMOVAL

- (a) All street trees located directly outside the site are approved for removal on the condition that the applicant seeks the relevant approvals from Ausgrid and installs the powerlines underground. The works must be completed prior to the issuing of the Occupation Certificate. The City must be notified in writing once the approval of the undergrounding has been given and once the works have commenced. Note: approval of the undergrounding is to be sought from Ausgrid.
- (b) In the event that approval is not sought or refused by Ausgrid, or the underground cables are not installed, then all street trees MUST be retained and protected in accordance with the Condition titled 'Street Tree Protection'.

(80) TREES THAT MUST BE RETAINED

- (a) Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

Tree No:	Botanical / Common Name	Location
1x	Platanus x hybrida (Plane tree)	17-21 Bowden Street Adjacent eastern corner of the site
6x	Corymbia citriodora (Lemon Scented Gums)	17-21 Bowden Street Adjacent south-western boundary of site

(81) STREET TREE PROTECTION

In the event that approval is not sought or refused by Ausgrid, or the underground cables are not installed, then all street trees detailed in the condition titled 'Street Trees Conditionally Approved for Removal' MUST be retained and protected in accordance with the following:

- (a) Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.
- (b) Tree trunk and major limb protection shall be undertaken prior to or during the installation of any approved hoardings or scaffoldings. The protection shall be installed by a qualified Arborist (AQF 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) shall be placed around tree trunk/s. The timber planks shall 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 shall be removed at the completion of the project.
- (c) 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.
- (d) 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 the trunks or branches of any street trees.
- (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 9673, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(82) ARBORICULTURAL IMPACT ASSESSMENT

- (a) An Arboricultural Impact Assessment (AIA) must be submitted to and approved by Council's Area Planning Manager prior to the issuing of the Construction Certificate. The report must be prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5 in Arboriculture, reflect current industry practices, with particular reference to the Australian Standard 'Protection of trees on development site' (AS4970-2009) and must include:
- (i) An assessment and discussion of the likely impacts the proposed development will have on the *Platanus x hybrida* adjacent to the eastern boundary and six (6) *Corymbia citriodora* located adjacent to the southern boundary. This should include above and below ground constraints on the trees that should be retained;
 - (ii) All Street trees shall be excluded from the report.
 - (iii) Recommendations of any design modifications, construction techniques and/or other protection methods required to minimise adverse impact any tree that should be retained during the demolition & construction works, and into the long term;
 - (iv) A description of the recommended tree protection zones required to ensure health, vigour and stability of trees is maintained during construction and development and into the future;
 - (v) A description of the recommended protection measures to be put in place to ensure the protection of trees to be retained;
 - (vi) 'Methodology Statement' for demolition of existing surface material' (concrete, bitumen etc) - detailing sensitive removal of the existing bitumen and concrete from the TPZ of any tree that must be retained, to ensure the protection of the root systems;
 - (vii) 'Methodology Statement' for tree sensitive design requirements / methods for any works to be undertaken within the TPZ of trees located within the 5 metres of the northern boundary.
 - (viii) 'Pruning Specification' (size of branches, location, extent of pruning) of any trees required to accommodate any construction activities. Pruning of any trees must not exceed more than 15% of the total live canopy area.

(83) COMPLIANCE WITH ARBORICULTURAL IMPACT ASSESSMENT

All recommendations, Tree Protection, and Methodology Statements contained in the approved Arboricultural Impact Assessment & Methodology Statement as required by condition titled Arboricultural Impact Assessment must be implemented during the demolition, construction and use of the development.

(84) 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 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.

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(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) 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.

(87) NOTIFICATION OF USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

The immediately adjoining neighbours must be given a minimum of 48 hours notice that use of high noise emission appliances / plant are about to commence.

(88) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(89) 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.

(90) 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.

(91) 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.

(92) 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.

(93) 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.

(94) 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.

(95) 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.

(96) 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.

(97) 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.

(98) 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.

(99) 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) The structural design of the building must allow the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (e) 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.

(100) 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.

(101) 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

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>

Speakers

Mr Anthony Betros addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.13.

ITEM 9.14

DEVELOPMENT APPLICATION: 6-8 CREWE PLACE ROSEBERY (D/2015/824)

It is resolved that:

- (A) compliance with the requirement for a Stage 1 development application or a site specific development control plan (DCP) requirement for the site is unreasonable or unnecessary in the circumstances;
- (B) pursuant to the provisions of Clause 4.6 of Sydney Local Environmental Plan 2012, the variation sought to Clause 4.3 building height of the Sydney Local Environmental Plan 2012 be supported in this instance;
- (C) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2015/824, after:
 - (1) The Planning Agreement is publicly exhibited and any submissions considered.
- (D) if the CEO determines to approve the application, then consideration be given to granting a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out below:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(1) PLANNING AGREEMENT

- (a) That a Planning Agreement in accordance with the public benefit offer made by Stable Innovations Rosebery Pty Ltd on 11 June 2015 be executed and submitted to Council.

- 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 24 months of the date of this 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;
- the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as detailed in Part B – Conditions of Consent (Once the Consent is in Operation) of the subject report, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

Note – the recommendation of the Planning and Development Committee was not adopted. The following alternative recommendation was adopted (as contained in the memo dated 23 November 2015 from the Director City Planning, Development and Transport and circulated prior to the meeting).

It is resolved that:

- (A) compliance with the requirement for a Stage 1 development application or a site specific development control plan (DCP) requirement for the site is unreasonable or unnecessary in the circumstances;
- (B) pursuant to the provisions of Clause 4.6 of Sydney Local Environmental Plan 2012, the variation sought to Clause 4.3 building height of the Sydney Local Environmental Plan 2012 be supported in this instance;
- (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/2015/824, subject to the following conditions:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(1) PLANNING AGREEMENT

- (a) That a Planning Agreement in accordance with the public benefit offer made by Stable Innovations Rosebery Pty Ltd on 11 June 2015 be executed and submitted to Council.

- (D) 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 24 months of the date of this 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, as indicated above, have been satisfied; and
- (F) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as detailed in Part B – Conditions of Consent – (Once the Consent is in Operation) of the subject report to the Planning and Development Committee on 17 November 2015, amended as follows, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions, (with amendments shown in ***bold italics*** (additions) and ~~striketrough~~ text (deletions):

PART B – CONDITIONS OF CONSENT (ONCE THE CONSENT IS IN OPERATION)

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/773 dated 18 June 2015 and the following drawings:

Drawing Number	Architect	Date
A1000 Rev 03	Allen Jack + Cottier	02/06/15
A1100 Rev 02	Allen Jack + Cottier	02/06/15
A1101 Rev 02	Allen Jack + Cottier	02/06/15
A1102 Rev 02	Allen Jack + Cottier	02/06/15
A1103 Rev 02	Allen Jack + Cottier	02/06/15
A1104 Rev 02	Allen Jack + Cottier	02/06/15
A2000 Rev 07	Allen Jack + Cottier	02/06/15
A2100 Rev 06	Allen Jack + Cottier	02/06/15
A2010 Rev 06	Allen Jack + Cottier	02/06/15
A2012 Rev 06	Allen Jack + Cottier	02/06/15
<i>A2010 Rev 09</i>	<i>Allen Jack + Cottier</i>	<i>02/06/15</i>
<i>A2102 Rev 06</i>	<i>Allen Jack + Cottier</i>	<i>02/06/15</i>
A2103 Rev 06	Allen Jack + Cottier	02/06/15
A2104 Rev 06	Allen Jack + Cottier	02/06/15
A2105 Rev 05	Allen Jack + Cottier	02/06/15
A3100 Rev 05	Allen Jack + Cottier	02/06/15

Drawing Number	Architect	Date
A3101 Rev 05	Allen Jack + Cottier	02/06/15
A3200 Rev 05	Allen Jack + Cottier	02/06/15
A3201 Rev 04	Allen Jack + Cottier	02/06/15
A3202 Rev 04	Allen Jack + Cottier	02/06/15
A9120 Rev 04	Allen Jack + Cottier	02/06/15

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.

(3) BUILDING HEIGHT

- (a) The height of the roof pavilion structure to building A must not exceed ~~RL~~ 44.6 (AHD).
- (b) The height of building B must not exceed ~~RL~~ 42.05 (AHD) to the top of the building (lift overrun) and ~~RL~~ 41.4 (AHD) to the parapet of the building.
- (c) The height of building C must not exceed ~~RL 42.5~~ **45.2** (AHD) to the top of the building (lift overrun) and ~~RL~~ 37.2 (AHD) to the parapet of the building.
- (d) 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.

(10) USE - SEPARATE DA REQUIRED

- (a) A separate development application for the fitout and use of the ground floor retail premises / commercial premises within Building ~~B A and Building D~~ must be submitted to and approved by Council prior to that fitout or use commencing.
- (b) In the event the first use of any ground floor retail premises / commercial premises is approved under a complying development certificate in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, for the avoidance of doubt, the hours of operation shall be restricted to 7.00am to 7.00pm Monday to Saturday and 9.00am to 6.00pm on a Sunday or a public holiday.

(39) TREES THAT MUST BE RETAINED

Trees numbered 2-8 ~~6~~, 14-24 and 30 in the Arboricultural Impact Assessment prepared by 'Earthscape Horticultural Services' dated June 2015 must be retained and protected throughout the proposed development.

Carried unanimously.

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

It is resolved that:

- (A) compliance with the requirement for a Stage 1 development application or a site specific development control plan (DCP) requirement for the site is unreasonable or unnecessary in the circumstances;
- (B) pursuant to the provisions of Clause 4.6 of Sydney Local Environmental Plan 2012, the variation sought to Clause 4.3 building height of the Sydney Local Environmental Plan 2012 be supported in this instance;
- (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/2015/824, subject to the following conditions:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(1) PLANNING AGREEMENT

- (a) That a Planning Agreement in accordance with the public benefit offer made by Stable Innovations Rosebery Pty Ltd on 11 June 2015 be executed and submitted to Council.
- (D) 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 24 months of the date of this 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, as indicated above, have been satisfied; and
- (F) upon Council giving written notification to the Applicant that the deferred commencement conditions have 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:

PART B - CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent 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/2015/773 dated 18 June 2015 and the following drawings:

Drawing Number	Architect	Date
A1000 Rev 03	Allen Jack + Cottier	02/06/15
A1100 Rev 02	Allen Jack + Cottier	02/06/15
A1101 Rev 02	Allen Jack + Cottier	02/06/15
A1102 Rev 02	Allen Jack + Cottier	02/06/15
A1103 Rev 02	Allen Jack + Cottier	02/06/15
A1104 Rev 02	Allen Jack + Cottier	02/06/15
A2000 Rev 07	Allen Jack + Cottier	02/06/15
A2100 Rev 06	Allen Jack + Cottier	02/06/15
A2010 Rev 06	Allen Jack + Cottier	02/06/15
A2012 Rev 06	Allen Jack + Cottier	02/06/15
A2010 Rev 09	Allen Jack + Cottier	02/06/15
A2102 Rev 06	Allen Jack + Cottier	02/06/15
A2103 Rev 06	Allen Jack + Cottier	02/06/15
A2104 Rev 06	Allen Jack + Cottier	02/06/15
A2105 Rev 05	Allen Jack + Cottier	02/06/15
A3100 Rev 05	Allen Jack + Cottier	02/06/15
A3101 Rev 05	Allen Jack + Cottier	02/06/15
A3200 Rev 05	Allen Jack + Cottier	02/06/15
A3201 Rev 04	Allen Jack + Cottier	02/06/15
A3202 Rev 04	Allen Jack + Cottier	02/06/15
A9120 Rev 04	Allen Jack + Cottier	02/06/15

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) APPROVED DESIGN ROOF - TOP PLANT

Any roof-top plant and associated equipment must be located within the approved building envelope as set out in condition (3). Should the plant exceed the approved building envelope, then further approval is required from Council.

(3) BUILDING HEIGHT

- (a) The height of the roof pavilion structure to building A must not exceed 44.6 (AHD).
- (b) The height of building B must not exceed 42.05 (AHD) to the top of the building (lift overrun) and 41.4 (AHD) to the parapet of the building.
- (c) The height of building C must not exceed 45.2 (AHD) to the top of the building (lift overrun) and 37.2 (AHD) to the parapet of the building.
- (d) 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.

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance with Deferred Commencement Condition (1) are to be complied with.

(5) DESIGN QUALITY EXCELLENCE

- (a) As the proposal has been awarded bonus floor space for achieving design excellence and in order to ensure the design quality excellence of the development is 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.

(6) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio must not exceed 1.65:1 calculated in accordance with Sydney LEP 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the retail/commercial component is 168.7sqm, for the residential component is 9,018.2sqm, and the total Gross Floor Area is 9,186.9sqm.
- (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 LEP 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(7) MATERIALS AND SAMPLES BOARD

A materials sample board detailing all proposed finishes must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued.

(8) HERITAGE MANAGEMENT REPORT

The Heritage Management Report prepared by Rappoport and dated June 2015 is to be updated to include the following further information:

- (a) A comparative study: the factory building is to be compared with other buildings/sites of similar age and use to highlight its significance;
- (b) Archaeological potential: the site's archaeological potential is to be assessed and any need of S139 or S140 certificate from NSW heritage council is to be advised;
- (c) Heritage interpretation: the need of heritage interpretation of the site and the themes to be exhibited should be specified;
- (d) Archival research: Council's archives hold some records of additions and alterations work of the site since at least 1950s. A list of later works on the site will guide the significance assessment and developing conservation policy;
- (e) Opportunities and constraints: the site's opportunities and constraints are to be analysed. This will help to develop targeted conservation policies;
- (f) Conservation policy for adaptive reuse: the policy should identify suitable reuse and principal guidelines for adaptive reuse. The report may address the avoidable issue for adaptive reuses, BCA and DDA compliance, setting out principles in dealing with potential conflicts of BCA compliance and heritage conservation; and
- (g) Heritage exemptions: the CMP may provide a list of works or interventions could be treated as maintenance or being minor heritage impact which eligible for C5.10.3 of Sydney LEP 2012. This will guide the future owners/occupants on application lodgements.

The updated Conservation Management Plan is to be submitted to and approved by the Heritage and Urban Design Manager prior to a Construction Certificate being issued.

(9) INTERPRETATION OF WINDOWS

The windows to be bricked up on the eastern elevation and part of southern elevation are to be properly interpreted by recessing the infill wall finish by approximately no less than 40mm from existing outer surface of the wall. Details are to be submitted to and approved by the Heritage and Urban Design Manager prior to a Construction Certificate being issued.

(10) USE - SEPARATE DA REQUIRED

- (a) A separate development application for the fitout and use of the ground floor retail premises / commercial premises within Building B must be submitted to and approved by Council prior to that fitout or use commencing.
- (b) In the event the first use of any ground floor retail premises / commercial premises is approved under a complying development certificate in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, for the avoidance of doubt, the hours of operation shall be restricted to 7.00am to 7.00pm Monday to Saturday and 9.00am to 6.00pm on a Sunday or a public holiday.

(11) USE OF COMMON AREAS AND FACILITIES

The roof top terrace and central courtyard 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.

(12) 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.

(13) 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.

(14) 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; and
- (d) Wiring shall be fully concealed.

(15) SYDNEY AIRPORT CORPORATION APPROVAL

An approval for the proposed height of the development shall be obtained from Sydney Airport Corporation Limited in accordance with the Civil Aviation (Building Control) Regulations 1988 prior to the issue of a Construction Certificate.

(16) FLOOR TO CEILING HEIGHT

Prior to a Construction Certificate being issued, the Certifying Authority must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

(17) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the buildings 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 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.

(18) 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.

(19) 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 apartment shall not exceed twice the number of approved bedrooms.

(20) 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.

(21) 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.

(22) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted and approved Demolition, Excavation and Construction Management Plan.

- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP).

Such periods must be set and agreed to by Council's Health and Building Unit.

(23) 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 LAeq, 15 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 LA90, 15 minute / rating LA90, 15 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 LAeq,15 minute noise level emitted from the use must not exceed the LA90, 15 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 LA90, 15 minute noise level is below the threshold of hearing, Tf 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 Tf corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The LAeq,15 minute noise level and the LA90,15 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.

(24) NOISE - ENTERTAINMENT VENUES

- (a) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an $L_{A10, 15 \text{ minute}}$ enters any residential use through an internal to internal transmission path is not to exceed the existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the $L_{A10, 15 \text{ minute}}$ 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.
- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

Note: The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level $L_{A90, 15 \text{ minute}}$ is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment L_{A90} / rating L_{A90} methodology in complete accordance with the process listed in the NSW EPA Industrial Noise Policy and relevant requirements of AS1055.1997.

(25) 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 Fu Siong Hie, dated 30/7/2015, SYD2015-1041-R001D, 6-8 Crewe Place, Roseberry- Acoustic DA Assessment , Council Ref TRIM#2014/444427 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) Sections 2.3-2.4 of The Report – Tables 2 to 6 are to be used for establishing environmental noise planning performance parameters for use in certifying and verifying that environmental noise emissions from the proposed development complies with the NOISE – ENTERTAINMENT and NOISE – GENERAL conditions in accordance with the requirements of this condition.
 - (ii) Section 3.1-3.2 – Design specifications to the satisfaction of the consultant and in agreement with the PCA.
- (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 Principal Certifying Author 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.

(26) 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".

(27) CAR SHARE SPACES

- (a) A minimum of 1 (one) car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised basement plan showing these spaces must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the Construction Certificate being issued.
- (b) The spaces 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 accessible to members of the car share scheme 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.

(28) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

Car Parking Type	Number
Residential spaces	60
Accessible residential spaces	15
Residential visitor spaces	13
Accessible visitor spaces	1
Retail parking	1
Car share parking	1
Service vehicle spaces <i>Residential</i>	2
Service vehicle spaces <i>Commercial</i>	1
Subtotal	94
Motorcycle parking	8
Total	102

(29) 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.

(30) 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.

(31) 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.

(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) 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	99	Spaces must be a class 1 bicycle locker [1]
Residential visitor	14	Spaces must be Class 3 bicycle rails
Non-residential Staff/Employee	1	Spaces must be Class 2 bicycle facilities
End of Trip Facility Type	Number	
Personal lockers	1	

Notes:

A basement storage area on title that is large enough to store a bicycle and is no smaller than a Class 1 bicycle locker can be counted as a bicycle parking 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.

(35) 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.

(36) 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 changes 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.

(37) 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.

(38) TREES APPROVED FOR REMOVAL

Trees numbered 1, 7-13, 25-29 and 31 in the Arboricultural Impact Assessment prepared by 'Earthscape Horticultural Services' dated June 2015 are approved for removal.

Tree removal shall not occur until the Construction Certificate has been issued.

(39) TREES THAT MUST BE RETAINED

Trees numbered 2-6, 14-24 and 30 in the Arboricultural Impact Assessment prepared by 'Earthscape Horticultural Services' dated June 2015 must be retained and protected throughout the proposed development.

(40) TREE PROTECTION ZONE

- (a) Before the commencement of works, a/the Tree Protection Zone/s (TPZ) must be established around all tree/s to be retained not less than the distance indicated in the TPZ schedule below. Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.

TPZ Schedule

Tree No	Species Name	Location	Radius (m) From Trunk
18	Harpephyllum caffirum	North-western frontage	9 metres
22	Harpephyllum caffirum	North-western frontage	4.1 metres
23	Harpephyllum caffirum	North-western frontage	7.3 metres
24	Ficus microcarpa var. hillii	North-western frontage	11.9 metres

- (b) A 1.8m high fully supported chainmesh protective fencing shall be erected around the trees extending along the northern boundary and top of the retaining wall on the southern side of the trees. The fencing must be secure and fastened to prevent movement. The fencing must have a lockable opening for access. Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing;
- (c) Tree Protection Signs shall be attached facing outwards in a visible position on the fence which includes the name and contact details of the site Arborist. All signs must remain in place throughout all work on site.
- (d) The following works must be excluded from within any TPZs:
- (i) Soil cut or fill including excavation and trenching (unless approved by the Site Arborist);
 - (ii) Soil cultivation, disturbance or compaction;
 - (iii) Stockpiling, storage or mixing of materials;
 - (iv) The parking, storing, washing and repairing of tools, equipment and machinery;
 - (v) The disposal of liquids and refuelling;
 - (vi) The disposal of building materials;
 - (vii) The siting of offices or sheds;
 - (viii) Any action leading to the impact on tree health or structure.
- (e) All work undertaken within or above the TPZ must be:
- (i) Supervised by a qualified Consultant Arborist, who holds a Diploma in Horticulture (Arboriculture) Level 5 under the Australia Qualification Framework;
 - (ii) Undertaken in accordance with all directions given by the Site Arborist and/or Council;

(41) 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 the issuing of the Construction Certificate. 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 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.

(42) 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'.

(43) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone in accordance with Australian Standard AS4970 Protection of Trees on Development Sites. The Arborist must certify compliance with each key milestone detailed below to the Director City Planning, Development and Transport:
 - (i) The installation of tree protection measures prior to the issuing of a Construction Certificate;
 - (ii) (During demolition of any ground surface material (paver, concrete, grass etc) located within the Tree Protection Zone (TPZ) of any tree listed for retention
 - (iii) During excavation and construction of (insert details if applicable);
 - (iv) During any excavation and trenching within the Tree Protection Zone;
 - (v) During any Landscape works within 5 metres of any trees trunk.
- (b) A monthly compliance report shall be submitted to the Director City Planning, Development and Transport which provides details on the health and structure of tree to be retained and protected and must include:
 - (i) Certification of compliance with each key milestone;
 - (ii) Details of any other works undertaken on any tree to be retained or within TPZ/s;
 - (iii) Documentary evidence of compliance with tree protection and measures (including photographs and site notes);

(44) USE OF INTRUSIVE APPLIANCES

A report detailing the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or 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", is to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

As a minimum, the report must specify:

- (a) Specific the proposed hours and days of operation;

- (b) The tasks that the equipment will be used for;
- (c) Justify in writing why the intrusive appliance cannot be substituted for a lower impact apparatus;
- (d) Provide for how noise will be managed to comply with the above code, and if cannot provide for the above code, how it will be managed to the lowest reasonable and feasible levels;
- (e) Indicate a timeframe for completion the associated task;
- (f) Such periods must be set and agreed to by Council's Health and Building Unit and will be set on a temporary basis with terms and conditions referencing permitted activities and limiting periods which the activity may occur. These parameters will form part of this consent, and the temporary approval may be revoked should substantiated complaints occur including breach of the terms given

(45) 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	\$234,712.17
Public Domain	\$144,569.16
New Open Space	\$1,126,449.59
New Roads	\$286,086.42
Accessibility	\$11,865.70
Management	\$12,829.56
Total	\$1,816,512.60

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.

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

In accordance with Clause 7.13 of the Sydney Local Environmental Plan 2012 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 \$1,910,866.17 based on the in lieu monetary contribution rate for non-residential development at \$58.04 per square metre of total non-residential floor area 168.7sqm, and for residential development at \$174.19 per square metre of total residential floor area 10,913.8sqm. 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 (1 March 2015 to 28 February 2016).

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 (\$)

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.

(47) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The buildings 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.

(48) 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.

(49) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(50) 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.

(51) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of neighbouring properties 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.

(52) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM

Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Principal Certifying Authority.

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
 - (i) existing site contours;
 - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
 - (iii) Location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

(53) 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).

(54) 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.

(55) 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.

(56) 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.

(57) 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.

(58) 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.

(59) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED (CC REQUIRED)

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, where currently non-compliant, the whole of the buildings to be retained (known as the 1918 and 1928 Former Wrigley factory industrial buildings) must comply with the performance requirements relating to the following sections of the Building Code of Australia (BCA):
 - (i) Fire resistance and stability - Part C1;
 - (ii) Compartmentation and separation - Part C2;
 - (iii) Provision for escape (access and egress) - Part D1;
 - (iv) Construction of exits - Part D2;
 - (v) Fire fighting equipment - Part E1;
 - (vi) Smoke hazard management - Part E2;
 - (vii) Emergency lighting, exit signs and warning systems - Part E4;

Prior to a construction certificate being issued the certifying authority must ensure that the proposed works and other upgrading works required by this condition satisfy the Building Code of Australia by complying with Clause A0.4 of the BCA.

(60) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan for the former Wrigley's factory must be submitted to and approved by Council's Urban Design and Heritage Manager prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of the Wrigley's Factory will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.

- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (d) Prior to occupation certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager.

(61) 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.

(62) USE OF HERITAGE CONSULTANT

A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms are to be provided to Council's Urban Design and Heritage Manager prior to commencement of work on site. The heritage consultant must sign off the completed project and submit a final report to Council's Urban Design and Heritage Manager specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

(63) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of all existing buildings on the site 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.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.

- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

A digital based recording is to include:

- (f) 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.

A film based recording is to include:

- (g) 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.

(64) 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.

(65) 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.

(66) 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).

(67) 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.

(68) 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.

(69) 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.

(70) 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.
- (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.

(71) 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.

(72) 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.

(73) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of concrete 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.

(74) 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.

(75) 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.

(76) 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.

(77) SITE VALIDATION REPORT

Prior to the issue of an Occupation Certificate, a Site Validation Report is to be forwarded to City's Area Planning Manager, for written approval. The validation report is to be prepared by a suitably qualified environmental consultant with experience in land contamination and New South Wales EPA contaminated land legislation and guidelines including the Contaminated Land Management Act 1997. The report is to satisfactorily document the following.

- (a) The extent of validation sampling, and the results of the validation testing.
- (b) That the site is suitable for the proposed use

(78) 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.

(79) 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.

(80) DELIVERY VEHICLES

Deliveries associated with the site that involve the movement of vehicles, must only occur between the hours 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.

(81) 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.

(82) VENTILATION MINOR WORKS

The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.

(83) 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.

(84) 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).

(85) 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.

(86) 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.

(87) SYDNEY WATER CERTIFICATE (QUICK CHECK)

- (a) The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au, (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92.
- (b) The Consent Authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of work.

(88) 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.

(89) 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.

(90) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL

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.

(91) WASTE/RECYCLING COLLECTION - COMMERCIAL

- (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.

(92) 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.

(93) 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 Council's Area Planning Manager 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.
 - (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.

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(94) 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.

(95) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(96) 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.

(97) 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.

(98) 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.

(99) TERMINATION OF EXISTING STRATA SCHEME

Prior to the issue of the Occupation Certificate, the Strata Scheme for SP 46973 shall be terminated by the Registrar General.

(100) 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.

(101) 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.

(102) 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.

(103) 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.

(104) 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.

(105) 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.

(106) 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.

(107) TRANSPORT ACCESS GUIDE

A Transport Access Guide, including a strategy for the future distribution of the Guide to staff, clients, customers and visitors to the site, must be submitted to and approved by Council prior to the Occupation Certificate for the site/use being issued.

Note: Transport Access Guide requirements are detailed in section 7.7 of the DCP. Information about preparing a Transport Access Guide is available on Council's website. For further information about a preparing a Transport Access Guide, the applicant should contact the City's Transport and Access Unit.

(108) GENERAL HERITAGE—RETAINED WRIGLEY'S FACTORY

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) 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.

- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999.
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

(109) HERITAGE ITEMS - WORKS TO BE CONSISTENT WITH CMP OR HIS (As Amended)

The conservation work specified at Section 5.2 of Heritage Management report Former Wrigley's Factory 6-8 Crewe Place Rosebery by Rappoport P/L dated June 2015 must be implemented to the satisfaction of Council's Urban Design and Heritage Manager prior to the issue of the Occupation Certificate.

(110) MATERIALS FOR MAKING GOOD (RETAINED WRIGLEY'S FACTORY BUILDING)

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

(111) 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.

(112) 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.

(113) 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.

(114) 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.

(115) 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 100 litres and a minimum height of 2.5 metres.
- (c) The trees must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).

- (d) The trees 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 tree planting/s have been 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.
- (g) Upon receipt and acceptance that all replacement tree planting/s have been completed to Council's satisfaction, an occupancy certificate will be issued.

SCHEDULE 2

PRESCRIBED CONDITIONS

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>

Speakers

Mr Murray Donaldson addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.14.

Report of the Development Assessment Sub-Committee

Moved by Councillor Mant, seconded by Councillor Kemmis -

That the report of the Development Assessment Sub-Committee of its meeting of 17 November 2015 be received, with the recommendation set out below for Item 9.15 being adopted.

Carried unanimously.

The Development Assessment Sub-Committee recommended the following:

ITEM 9.15

DEVELOPMENT APPLICATION: 56-78 OXFORD STREET DARLINGHURST (D/2015/1025)

It is resolved that consent be granted to Development Application No. D/2015/1025, subject to the conditions of consent as detailed in the assessment report prepared by Ian Stewart (Consulting Planner, Barker Ryan Stewart), shown at Attachment A to the subject report.

Carried unanimously.

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

It is resolved that consent be granted to Development Application No. D/2015/1025, 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/2015/1025 dated 22 July 2015 and the following drawings:

Drawing Number	Architect	Date
AM12.1B	Leffler Simes	16/03/15
AM12.2B	Leffler Simes	16/03/15
AM13.1B	Leffler Simes	16/03/15
AM13.2B	Leffler Simes	16/03/15
AM41.1C	Leffler Simes	19/06/15
AM41.2C	Leffler Simes	19/06/15
AM46F	Leffler Simes	19/06/15
AM31B	Leffler Simes	16/03/15
15013-M06.4	MechCheck Pty Ltd	Mar 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) HOURS OF OPERATION - MINOR DEVELOPMENT

The hours of operation are restricted to between 6.00am and 2.00am (the following day) Monday to Sunday.

(3) HOURS FOR DELIVERIES

Delivery of stock and product associated with the supermarket may only occur during the following times and subject to the given specifications to avoid noise disruption to the surrounding area:

- (a) Deliveries of supplies made to the premises are strictly limited to between the hours of 7.00am and 8.00pm weekdays;
- (b) 9.00am and 5.00pm weekends and public holidays; and
- (c) Deliveries must not be placed on the street or otherwise be left outside of the premises (including the rear loading/parking area).

(4) SHOP SHELVES TO OXFORD STREET

- (a) No shelving/products are to be situated within 1m of the glass shop fronts to Oxford Street.
- (b) Shelf heights are to be no higher than 1.3m from the floor level.

(5) SHOPFRONTS TO OXFORD STREET

All shopfronts to Oxford Street are to remain clear, untinted and not obscured.

(6) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Items.
- (b) Experienced tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (c) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (d) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

(7) HERITAGE INTERPRETATIVE IMAGES

- (a) An interpretation plan for the site must be submitted to and approved by Council's Urban Design and Heritage Manager prior to a Construction Certificate being issued.
- (b) Details of the location, size, materials, finishes and contents of the proposed heritage interpretative images are to be to the satisfaction of Council's Urban Design and Heritage Manager prior to the issue of a construction certificate.

- (c) Prior to an Occupation Certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council

(8) MATERIALS AND FINISHES TO MATCH EXISTING

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

(9) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of those parts of the building that will be subject to change, is to be prepared to the satisfaction of Council's Urban Design and Heritage Manager. 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.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

A digital based recording is to include:

- (f) 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.
- (g) Thumbnail image sheets and a selection of A5 or A4 size images, all labelled and cross-referenced to the catalogue sheets and base plans, and processed on A4 size archival photographic paper using archivally stable inks.

A film based recording is to include:

- (h) 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.

(10) EXISTING DECORATIVE PLASTER CEILING LININGS

The existing original decorative plaster ceiling linings above the shop at 62-64 Oxford Street are to be retained in - situ. Care is to be taken to ensure that the new works are carried out in a manner that minimises any new penetrations, fixings or alterations to these ceiling linings.

(11) CONCEALED EARLY FABRIC

During the works, the possibility of early fabric being concealed behind later linings is to be investigated, and if it remains in place, should where possible be retained.

(12) NEW PORCH TILING

The proposed vitrified mosaic tiles lining to the porch floors are to be in a similar pattern to the tiled flooring of the existing porch at 62-64 Oxford Street.

(13) LOADING OPERATIONS

- (a) The size of vehicles servicing the property must not exceed 9.6m in length.
- (b) The engine of delivery vehicles must not be left running during loading/unloading.
- (c) Goods, equipment, materials, etc must not be stored or located on the footpath or road.
- (d) To ensure safety of the Burton Street cycleway, personnel must supervise delivery vehicles when they are departing Burton Street.

(14) SIGNAGE

- (a) The hamper signs shall not be illuminated; and
- (b) The signage shall be reduced from six (6) to five (5) signs in total.
- (c) The illumination to the under awning signage shall be tuned off out of business hours.
- (d) Amended signage plans should be submitted to Council for approval prior to obtaining a Construction Certificate.

(15) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the 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 is 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.

(16) 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".

(17) 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.

(18) 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.

(19) 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.

(20) NEIGHBOURHOOD AMENITY

- (a) Signs must be placed in clearly visible positions within the premises 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.

(21) 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 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.

(22) 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.

(23) 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.

(24) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management which includes trolley management, prepared by Woolworths Limited, signed and dated 1 October 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.

(25) 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.

SCHEDULE 1B

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

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

(26) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(27) 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.

(28) 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.

(29) 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.

(30) 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).

(31) 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).

(32) STRUCTURAL CERTIFICATION - MINOR SIGNAGE

Prior to the issue of a Construction Certificate details of the proposed method of fixing the sign/s to the building must be provided to and approved by Council (where Council is the Certifying Authority).

(33) 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.

(34) 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.

(35) 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.

(36) SYDNEY WATER CERTIFICATE (QUICK CHECK)

- (a) The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au, (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92.
- (b) The Consent Authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of work.

(37) 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.

(38) 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.

(39) 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.

(40) CONSTRUCTION AND FITOUT OF FOOD PREMISES

The construction, fitout 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.

(41) FOOD PREMISES - HEALTH DATABASE REGISTRATION

The business is to be registered with Council's Health and Building Unit prior to the issue of an Occupation Certificate or occupation with an Interim Occupation Certificate (whichever is earlier).

Note: Registration forms are available on Council's website www.cityofsydney.nsw.gov.au.

(42) 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.

(43) 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.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(44) 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.

(45) 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.

(46) 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.

(47) 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.

(48) 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.

(49) 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.

(50) 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 onsite 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 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>

**ITEM 10 OVERSEAS TRAVEL REPORT – 100 RESILIENT CITIES NETWORK
(S050647)**

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

It is resolved that the Report on the 100 Resilient Cities Network Leaders' Summit, as shown at Attachment A to the subject report, be received and noted.

Carried unanimously.

Point of Order

During discussion on Item 10, Councillor Mandla raised a point of order in that Councillor Mant's comments, when speaking on the motion, were irrelevant.

The Chair (the Lord Mayor) overruled the point of order.

**ITEM 11 PROPOSED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2016
(S063444)**

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

It is resolved that Council adopt the draft Schedule of Meetings and Briefings for 2016, as shown at Attachment A to the subject report.

Carried unanimously.

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

SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2016

DATE	MEETING
SCHOOL HOLIDAYS – Monday 21 December 2015 to Tuesday 26 January 2016, inclusive.	
MONDAY 25 JANUARY	<ul style="list-style-type: none"> • RECESS
TUESDAY 26 JANUARY	<ul style="list-style-type: none"> • (Australia Day Public Holiday)
MONDAY 1 FEBRUARY	<ul style="list-style-type: none"> • RECESS
MONDAY 8 FEBRUARY	<ul style="list-style-type: none"> • RECESS
MONDAY 15 FEBRUARY	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 22 FEBRUARY AND TUESDAY 23 FEBRUARY	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 29 FEBRUARY	<ul style="list-style-type: none"> • COUNCIL
MONDAY 7 MARCH	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 14 MARCH AND TUESDAY 15 MARCH	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 21 MARCH	<ul style="list-style-type: none"> • COUNCIL
FRIDAY 25 MARCH	<ul style="list-style-type: none"> • (Good Friday Public Holiday)
MONDAY 28 MARCH	<ul style="list-style-type: none"> • RECESS – (Easter Monday Public Holiday)
TUESDAY 29 MARCH	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 4 APRIL AND TUESDAY 5 APRIL	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 11 APRIL	<ul style="list-style-type: none"> • COUNCIL (First Day of School Holidays)
SCHOOL HOLIDAYS – Monday 11 April to Monday 25 April 2016, inclusive	
MONDAY 18 APRIL	<ul style="list-style-type: none"> • RECESS
MONDAY 25 APRIL	<ul style="list-style-type: none"> • RECESS (Anzac Day Public Holiday)
MONDAY 2 MAY	<ul style="list-style-type: none"> • BRIEFINGS

SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2016

DATE	MEETING
MONDAY 9 MAY AND TUESDAY 10 MAY	• COMMITTEES
MONDAY 16 MAY	• COUNCIL
MONDAY 23 MAY	• RECESS
MONDAY 30 MAY	• RECESS
MONDAY 6 JUNE	• RECESS
MONDAY 13 JUNE	• RECESS (Queen's Birthday Public Holiday)
TUESDAY 14 JUNE	• BRIEFINGS
MONDAY 20 JUNE AND TUESDAY 21 JUNE	• COMMITTEES
MONDAY 27 JUNE	• COUNCIL
SCHOOL HOLIDAYS - Monday 4 July to Friday 15 July 2016, inclusive	
MONDAY 4 JULY	• RECESS
MONDAY 11 JULY	• RECESS
MONDAY 18 JULY AND TUESDAY 19 JULY	• COMMITTEES
MONDAY 25 JULY	• COUNCIL
MONDAY 1 AUGUST	• BRIEFINGS
MONDAY 8 AUGUST AND TUESDAY 9 AUGUST	• COMMITTEES
WEDNESDAY 10 AUGUST	• START OF CARETAKER PERIOD (commences 4 weeks prior to the date of an ordinary election – Reg 393B)
MONDAY 15 AUGUST	• COUNCIL
MONDAY 22 AUGUST	• RECESS
MONDAY 29 AUGUST	• RECESS

SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2016

DATE	MEETING
MONDAY 5 SEPTEMBER	• RECESS
SATURDAY 10 SEPTEMBER	• LOCAL GOVERNMENT ELECTIONS
MONDAY 12 SEPTEMBER	• RECESS
MONDAY 19 SEPTEMBER	• RECESS
DURING WEEK MONDAY 19 TO FRIDAY 23 SEPTEMBER	• EXTRAORDINARY COUNCIL MEETING (Post Election)
SCHOOL HOLIDAYS - Monday 26 September to Friday 7 October 2016, inclusive	
MONDAY 26 SEPTEMBER	• RECESS
MONDAY 3 OCTOBER	• RECESS (Labour Day Public Holiday)
TUESDAY 4 OCTOBER	• BRIEFINGS
MONDAY 10 OCTOBER AND TUESDAY 11 OCTOBER	• COMMITTEES
MONDAY 17 OCTOBER	• RECESS – LGNSW ANNUAL CONFERENCE
MONDAY 24 OCTOBER	• COUNCIL
MONDAY 31 OCTOBER	• RECESS
MONDAY 7 NOVEMBER	• BRIEFINGS
MONDAY 14 NOVEMBER AND TUESDAY 15 NOVEMBER	• COMMITTEES
MONDAY 21 NOVEMBER	• COUNCIL
MONDAY 28 NOVEMBER	• BRIEFINGS
MONDAY 5 DECEMBER AND TUESDAY 6 DECEMBER	• COMMITTEES
MONDAY 12 DECEMBER	• COUNCIL
MONDAY 19 DECEMBER	• RECESS

SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2016

DATE	MEETING
SCHOOL HOLIDAYS – Wednesday 21 December 2016 to Thursday 26 January 2017, inclusive.	

The recess continues until the first Committee meetings of 2017.

ITEM 12 QUESTIONS ON NOTICE**FERAL CAT MANAGEMENT PROJECT (S103146)**

1. By Councillor Doughty

Question

In regard to the City's Feral Cat Management Project which commenced in October 2015:

1. What measures does the project engage to manage feral cats?
2. Are there targets or goals associated with the project? How will the success of the project be measured?
3. How was this project developed? Who was consulted as part of the development?

Answer by the Lord Mayor

1. The City's Companion Animals Liaison Officer has planned two educational workshops for social housing residents and pensioners, to educate them about the importance of de-sexing owned cats, keeping cats indoors, cat healthcare and more. These workshops are currently scheduled to start in February 2016.
2. Under the scope of this project, the City aims to rehome approximately 40 suitable cats/kittens and have approximately 30 feral cats de-sexed following the educational workshops organised by the City's Companion Animals Liaison Officer. The success of the project will be measured through qualitative and quantitative analysis of the feral cat-related complaints received by the City before, during and after the project.
3. The project was developed by the City's Companion Animals Liaison Officer. The Office of Local Government, City Rangers' Quality Co-ordinator and Director City Operations were consulted prior to applying for the grant. The Cat Protection Society, Inner City Strays, Community Cat Carers, and Alexandria Veterinary Hospital were all consulted and have collaborated with Council.

STREET ART POLICY (S103146)

2. By Councillor Doughty

Question

In a response to a Question on Notice in April 2015 about the forthcoming Street Art Policy, the Lord Mayor stated: "The Street Art and Graffiti review is currently being finalised, noting that street art raises many complex issues about which there are greatly divergent views. Staff are committed to a carefully considered position and avoiding hasty implementation."

Can the Lord Mayor please provide an update on when the Street Art Policy will be coming to Council?

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 15.

WOOLLOOMOOLOO MEN'S SHED (S103146)

3. By Councillor Doutney

Question

For some time, the City has had plans to build a Community Shed (Men's Shed) in Bourke Street Park in Woolloomooloo. In the Round Two allocations of the 2015/16 Grants and Sponsorship program, the Bourke Street Community Garden has been recommended for a grant allocation to expand their garden and install new planters, a space for chickens and a gardening shed.

1. Can the Lord Mayor confirm that all of the fenced space in Bourke Street Park will now be available to be used by the community garden, or are there other plans to fit a second community facility into this space?
2. What location is the City now considering for a Woolloomooloo-based Community/Men's Shed?

Answer by the Lord Mayor

The landowner, NSW Roads and Maritime Services (RMS), has declined to give landowner's consent for the Men's Shed. As a result, the City has withdrawn the Development Application for this use.

City staff will now consider the future of both the shed and the use of the space. Staff will consult with representatives of the Bourke Street Community Garden.

T2 BUILDING 1-5 FLINDERS STREET (S103148)

4. By Councillor Forster

Question

When was the T2 building last occupied and what rent was the tenant paying? Was this full commercial rent or was it subsidised? What is the estimated current full commercial rent for the property?

Answer by the Lord Mayor

The T2 Building (1-5 Flinders Street) was last occupied by Reverse Garbage from 10 July 2010 to 4 May 2012 (part basement and ground floor) and the University of NSW from 15 July 2010 to 31 March 2013 (Level 1).

Total rent paid by Reverse Garbage was \$52,583 plus GST and total rent paid by the University of NSW was \$71,427 plus GST.

An independent valuation determined the rental applicable to each space having regard to the short term nature, the condition of the premises and the passive non-commercial nature of the uses.

There is no estimated current commercial rental for this property. The building cannot be occupied in its current state due the need for structural works to be undertaken which form part of the planned capital works project.

COMPLAINTS MADE TO CITY OF SYDNEY (S103148)

5. By Councillor Forster

Question

In a letter to the CEO of the Office of Local Government, dated 20 October 2015, about the regulation of commercial waste collection in Sydney, the CEO states that, in the last 12 months, the City received over 550 complaints relating to commercial bins and over 174 offensive noise complaints due to contractors collecting waste outside the approved times.

How many complaints a year does the City receive in total? Can the Lord Mayor please provide a breakdown of the complaints by area of City operations?

Answer by the Lord Mayor

In the period from July 2014 to June 2015, 66,423 complaints were logged through the City's Pathway processing system, across the following categories:

Animals/Pest Control (2,161); Building Compliance and Construction Regulation (4,154); Community and Corporate (6,894); Waste Services and Bins (17,276); Graffiti and Bill Posters (4,571); Health and Environmental Issues (1,738); Noise (1,637); Parking, Traffic and Transport Management (14,442); Roads Streets and Footpaths (10,408); Trees and Parks (3,142).

In the last financial year, the City's Call Centre and One Stop Shop Service received, managed and responded to the following number of community queries and requests: 266,361 phone calls, 4,933 emails and 109,969 counter transactions.

CORROBOREE FESTIVAL FUNDING (S103148)

6. By Councillor Forster

Question

Since its establishment in 2013, how much funding (monetary and VIK) has the City given the now defunct Corroboree Festival?

Answer by the Lord Mayor

On 16 September 2013, Council resolved to support the inaugural Corroboree Festival which took place in November 2013 with a sponsorship grant of \$50,000 cash only.

On 25 August 2014, Council unanimously approved cash sponsorship for the Corroboree Festival of \$100,000 together with VIK of \$35,000 per annum for financial years 2014-15 and 2015-16;

Bangarra Dance Company was nominated as the auspicing body to administer the grant in 2013, 2014 and 2015.

Table – City of Sydney Sponsorship Support.

Event	Cash sponsorship	Value In-kind	Total Allocated	Total Used
Corroboree 2013	\$50,000	\$0	\$50,000	\$50,000
Corroboree 2014	\$100,000	\$35,000	\$135,000	\$135,000
Corroboree 2015 (Festival did not proceed)	\$100,000	\$35,000	\$135,000	\$0
		Total	\$320,000	\$185,000

Following the successful delivery of the 2014 Corroboree Festival, event organisers advised the City, 1 July 2015, that they would not be proceeding with future Corroboree Festivals, given the limited NSW Government funding for the next event.

Creative City staff met with the Creative Director of Corroboree to investigate options for an alternative delivery format or a future event for 2016. It was confirmed at this meeting that there would be no future Corroboree Event.

NON-RESIDENTIAL VOTING ROLL (S103148)

7. By Councillor Forster

Question

How does the new non-residential roll voting legislation apply to barristers' chambers? Will each individual member of the chamber be entitled to inclusion on the roll?

Answer by the Lord Mayor

More information would be required on the way in which each barrister occupies their chambers before entitlement could be decided. Eligibility details can be found on the website cityofsydney.nsw.gov.au/register

PARK CAFÉ REDFERN OVAL (S103148)

8. By Councillor Forster

Question

I understand that the lease for Park Café at Redfern Oval has expired and the City has closed the premises for the period of the tender application process for new operators. Can the Lord Mayor confirm the closure of the café and its likely duration?

Answer by the Lord Mayor

The Café has been closed to enable the City to carry out work to increase size of the café premises, which is scheduled to be completed in late November 2015. The existing café is quite small, with an internal area of approximately 57 square metres. The expansion of the café will better utilise the existing area within the northern end of the Redfern Oval Grandstand. As the premises are being expanded, it is not possible for an operator to trade while the works are undertaken.

The upgrade works are expected to be completed shortly. The City has commenced an Expression of Interest (EOI) process to source a new café operator. Following completion of the EOI, the premises are expected to be leased to an operator who will commence fitout works and trade thereafter. An estimated café operation date is difficult to determine, as the new operator would be expected to undertake a Development Application process for the new café fitout.

PARKING PERMITS IN AREA 15 (S103142)

9. By Councillor Scott

Question

Broken down by the number of residents receiving 15, 30, or 45 visitor parking permits, how many residents have been issued visitor parking permits in Area 15 in the first 12 months of operation?

Since visitor parking permits have been introduced in Area 15, how many visitor parking permits have been used?

Since visitor parking permits have been introduced in Area 15, have there been any reports of misuse of visitor parking permits in Area 15? If so, how many reports of misuse have been made?

When were business parking permits introduced in Area 15?

Since being introduced, how many business parking permits have been issued in Area 15 to 30 October 2015?

Answer by the Lord Mayor

Business and Visitor Parking Permits were introduced in Woolloomooloo, East Sydney, Darlinghurst and Paddington in mid-2014. Since that time, approximately 130 households in Area 15 have obtained visitor parking permits. There are no business permits currently on issue in Area 15.

The City's Policy does not require residents to report each use of a visitor permit to the City. Any business, visitor or resident permit observed by a City Ranger is checked for validity. A search of the City's records system did not find any reports of misuse.

A detailed breakdown of permits by quantity requires substantial interrogation of the City's Pathway database, and was not available at the time of preparation of this response. However, it is estimated that approximately 45% of households in Area 15 with visitor permits have been issued with 15 permits, 15% with 20 permits, and 40% with 30 permits.

NON-RESIDENTIAL AND BUSINESS REGISTER (S103142)

10. By Councillor Scott

Question

The City has recently distributed information regarding changes to the Non-Residential and Business Register.

Broken down by cost of design, printing, and distribution, what was the cost of this letter and associated flyer?

How many letters and associated flyers were printed? How many letters and flyers were distributed?

What other costs, broken down by category, have been incurred regarding the preparation of the Non-Residential and Business Register?

Answer by the Lord Mayor

As advised at the last meeting of the Corporate, Finance, Properties and Tenders Committee, these matters will be addressed shortly, by way of CEO Update.

FIG AND WATTLE STREET DEPOT (S103142)

11. By Councillor Scott

Question

When will the Remediation Action Plan for the Fig and Wattle Streets Depot be complete?

Will the Remediation Action Plan be made available to the public?

Answer by the Lord Mayor

On 26 October this year, Council resolved to progress toward the appointment of an Environment Protection Authority Accredited Site Auditor to advise on and oversee the preparation of a Remediation Action Plan (RAP) that could support a range of future uses, including childcare, education and residential.

The City's appointed environmental consultant, JBS&G, have already commenced the process to complete additional and updated surveys, sampling and testing of the site and developing the RAP.

A NSW Environmental Protection Authority accredited Site Auditor will be appointed in December. The auditor's role is to independently peer review the City's environmental consultants' work including the detailed site assessment reports, the proposed RAP and Environmental Management Plan for the site.

At this early stage, an indicative timeframe for completion is June 2016 and this timeline will be firmed as each stage progresses.

The Site Auditor will confirm that the extent of contamination has been appropriately determined and that the proposed RAP is appropriate to make the site suitable for the intended land use. The development of an architectural reference scheme to support a range of future uses including residential, childcare and education will inform the remediation strategy.

The City has met and outlined this direction to the Environmental Protection Authority and will ensure the Authority continues to be updated.

The Remediation Action Plan and Site Audit Statement will be a matter of public record as part of the planning process.

SOLAR PANELS (S103142)

12. By Councillor Scott

Question

Since 2014, has the City refused a development application or imposed a condition to prevent the installation of solar panels on private properties?

If so, how many?

If so, please provide a breakdown of this information by year and suburb.

Answer by the Lord Mayor

Not all solar panels require development consent. Under the State Environmental Planning Policy (Infrastructure) 2007, solar panels can be installed in certain circumstances without the need for development consent.

Where development consent is required for solar panels, they are assessed against controls contained in the Sydney Development Control Plan 2012.

In general, the controls provide that solar panels may be located on a roof plane visible from the public domain where they are parallel to the roof plane, there is minimal change to the structure or fabric of the roof, they are removable and do not exceed 25% of the area of the roof plane. They may not be acceptable if they result in adverse impacts on the visual qualities of the host building or the streetscape.

Information on applications regarding the inclusion of solar panels is not discreetly collected and, as such, these applications are not readily identifiable.

Few proposals have been refused or subject of a condition to prevent the installation of solar panels, but considerable staff resources would need to be committed in order to provide the information requested. This would involve reviewing the applications and drawings of up to 4,894 development determinations (4,640 consents, 254 refusals) issued since the beginning of 2014.

CHILDCARE CENTRES AND PLACES (S103142)

13. By Councillor Scott

Question

Since the publication of the City of Sydney Child Care Needs Analysis 2013, how many development applications for new childcare centres have been approved by the City?

Since the publication of the City of Sydney Child Care Needs Analysis 2013, how many spaces have been created in new childcare centres in the City?

Are there any development applications for new childcare centres yet to be determined by the City?

If so, how many and how many spaces are projected to be created if these development applications are approved?

On average, how many childcare places are actually created in comparison with the number of childcare places approved for development?

Answer by the Lord Mayor

Since the publication of the Child Care Needs Analysis 2013, there have been 28 development applications for new childcare centres approved from July 2013 until 30 June 2015.

Since the publication of the Child Care Needs Analysis 2013, there have been 12 new centres that have begun operating, creating a total of 804 new child care places as at 30 June 2015. Of these completed centres, 7 had been approved after 1 July 2013, creating 510 places (63.4% of created places since July 2013).

As at 30 June 2015, there were 9 child care development applications lodged and yet to be determined.

If these developments were approved and then completed, a projected total of 754 additional places could be created.

Of the 28 Development Applications approved to 30 June 2015, 7 have been completed, 6 have commenced construction and 15 have not yet commenced construction. This represents a total of 1,996 places approved since July 2013, of which 510 have been completed, 397 are under construction and 1,089 have not yet commenced.

Operators may choose not to operate all places approved and constructed. For example, as at 30 June 2015, there were a total of 97 centres with 5,280 child care places that have received a service approval by the Department of Education and Communities. However, the number of operating places was 5,081, representing a net difference of 199 places. More than 96% of service approved places have been actively operating as at 30 June 2015. The difference between service approved places (5,280) and operating places (5,081) relates to operational and resourcing decisions made by child care providers.

LIBRARIES (S103142)

14. By Councillor Scott

Question

The City's library network was reviewed by the State Library in 2012, with 53 recommendations arising from the review.

How many recommendations of the review have been implemented?

What was the cost of the review?

When was the review delivered to staff?

Has the review been released publicly?

Can Councillors have a copy of the review?

Has the City commissioned a long-term library strategy?

If so, when was it commissioned and at what cost?

If so, when will the long-term library strategy be presented to Council for consideration?

Answer by the Lord Mayor

A Library Strategy is being developed by staff. 69% of the 53 State Library recommendations have already been implemented or are ongoing phased delivery. The review is part of the free State Library of NSW service provided to libraries across the State. Managers, along with State Library staff, briefed all staff on 2-3 October 2013. The recommendations are the basis for regular discussion across the network and are part of the unit's business plan and work plans.

Councillors can view a copy upon request. Please contact Ann Hoban, Director City Life.

STREET ART POLICY REPORT (S103142)

15. By Councillor Scott

Question

Has a report been commissioned on the forthcoming Street Art Policy?

If so, how much?

If so, who conducted the report?

Answer by the Lord Mayor

As advised in the Council Meeting on 8 December 2014:

In 2013, the City commissioned, via an open competitive process, a consultant team from the University of Sydney to create a Register of Street Art and Murals in the LGA; to undertake research into legislation, policy, process and programs around street art and graffiti; and to provide recommendations for policy review and implementation.

The following have now been completed;

- Register of Street Art and Murals in the LGA,
- A Report outlining research into legislation, policy, process and programs around street art and graffiti; including recommendations for policy review and implementation.

The fee for the entire consultancy (including the Register of Street Art and Murals) was \$71,328.40.

Recommendations made by the consultants have been used to inform a Street Art report which is being prepared by City staff. The Street Art report is also taking into consideration extensive internal consultation with the relevant Business Units in Council, as well as further external advice. As has been noted, street art raises many complex issues about which there are greatly divergent views. These issues are being fully worked through. In particular, staff are continuing to resolve planning, compliance and legal questions. This has included seeking advice from the NSW Department of Planning and Environment and consultation with other Councils regarding these matters.

Staff are continuing to work through issues and advice in order to ensure a carefully considered position is arrived at.

POCKET PARKS (S103142)

16. By Councillor Scott

Question

Since 2004, broken down by year, how many of the City's pocket parks have been upgraded?

Since 2004, broken down by year, which of the City's pocket parks have been upgraded and at what cost for each?

Broken down by year, how many of the City's pocket parks are projected to be upgraded over the forthcoming four years?

Broken down by year, which of the City's pocket parks are projected to be upgraded over the forthcoming four years?

Broken down by year, what is the projected cost for upgrading each of the City's pocket parks over the forthcoming four years?

Answer by the Lord Mayor

In many instances, our small parks are the closest open space for residents to enjoy outdoor recreation opportunities. Since 2004, the City has completed many major upgrades to parks ranging from large scale redevelopment such as the Redfern Oval upgrade, Paddington Reservoir Gardens and Sydney Park Wetlands to the creation of Pirrama Park.

Complementary to this has been the well-received small parks and playground upgrade program. A range of small scale capital improvements are undertaken in this program, including replacement and upgrade of play equipment, softfall, park furniture, shade structures, paths, lighting, tree planting, landscape planting and turf works. Additional pocket parks have also been provided as development contributions. Details of sites completed and in planning are as follows;

Year completed	Suburb	Locations	Approx. Cost
2015	Pymont	James Watkinson Reserve	\$ 72,000.00
	Sydney	Lang Park	\$ 42,000.00
	Miller Point	Munn Reserve	\$ 2,400,000.00
	Redfern	Chelsea Playground	\$ 1,000,000.00
	Forest Lodge	John Street Remediation and wall	\$ 1,800,000.00
	Waterloo	Mary Obrien Reserve	\$ 3,500,000.00
	Erskineville	Harry Noble Reserve Playground	\$ 115,000.00
	Erskineville	Solander Park	\$ 43,000.00
	Newtown	O'Connell Street Reserve	\$ 600,000.00

Year completed	Suburb	Locations	Approx. Cost
	Surry Hills	Fred Miller Reserve	\$ 50,000.00
	Glebe	Glebe Library	\$ 19,500.00
	Pymont	Maybank Park	\$ 17,000.00
	Rosebery	Sweetacres Park	\$ *2,000,000.00
	Green Square	Woolwash Park extension	\$ *400,000.00
	Green Square	Buming Park	\$ *500,000.00
	Green Square	Rope Walk Parks (1 & 2)	\$ * 2,000,000.00
	East Sydney	O'Briens Lane Park	\$ 300,000.00
	Redfern	Reconciliation Park	\$ 1,000,000.00
2014	Glebe	MJ Dougherty Reserve	\$ 59,500.00
	Alexandria	Bamal Way	\$ 1,088,267.00
	Woolloomooloo	Walla Mulla Reserve	\$ 1,279,182.00
	Erskineville	Green Bans Park	\$ 30,000.00
	Rushcutters Bay	Arthur Reserve	\$ 10,000.00
	Paddington	George Clark Park	\$ 40,000.00
	Paddington	Napier St Closure	\$ 1,327,000.00
	Redfern	Edmund Resche Reserve	\$ 126,000.00
	Rosebery	Janet Beirne Reserve	\$ 1,000,000.00
	Erskineville	Gowrie Street	\$ 15,000.00
	Ultimo	Mary Ann Street Park	\$ 127,110.00
	Redfern	Cooper Street	\$ 27,000.00
	Rushcutters Bay	Bayswater Road Open space	\$ 350,000.00
	Glebe	St Helens Community Gardens	\$ 60,000.00
2013	Sydney	Town Hall Precinct (C)	\$ 10,000.00
	Chippendale	Daniel Street Reserve	\$ 25,000.00
	Ultimo	Elizabeth Healy Reserve	\$ 23,500.00
	Redfern	Kettle Street Reserve	\$ 14,000.00
	Waterloo	Corning Park	\$ 17,000.00
	Redfern	Jack O'Brien Reserve	\$ 12,000.00
	Woolloomooloo	Viaduct Park (Palmer St – Sir John Young Crescent)	\$ 90,000.00
	Green Square	Linear Park	\$ * 600,000.00
	Ultimo	Jones Street pocket park	\$ 10,000.00
2012	Surry Hills	Devonshire Street Reserve	\$ 22,000.00
	St Peters	Sydney Park Fitness	\$ 420,000.00
	Waterloo	Broome Street Reserve	\$ 19,000.00
	Haymarket	Day Street Reserve	\$ 35,000.00
	Newtown	Knight & Flora St Reserve	\$ *600,000.00
	Alexandria	Kirsova Reserve	\$ 200,000.00

Year completed	Suburb	Locations	Approx. Cost
2011	Haymarket	Shelley Street Streetscape (Sc)	\$ 25,000.00
	Woolloomooloo	Bourke Street Park	\$ 977,050.00
	Surry Hills	Fanny Place	\$ 40,000.00
	Redfern	Regent Street Corner	\$ 20,000.00
	Paddington	Three Saints Square	\$ 103,580.00
2010	Glebe	Tram Stop Reserve	\$ 14,000.00
	Camperdown	Mitchell St Playground	\$ 156,000.00
	Paddington	Ethel Turner Playground	\$ 540,000.00
	Pymont	Bridge St Park	\$ *200,000.00
	Paddington	Stewart Street Reserve	\$ 6,000.00
2009	Erskineville	Dibbs Street Reserve	\$ 180,000.00
	Newtown	Burren St Playground	\$ 192,000.00
	Newtown	WJ Thurnbon Park	\$ 78,000.00
	Glebe	Millard Reserve	\$ 204,000.00
	Glebe	MJ Dougherty Reserve	\$ 348,000.00
	Forest Lodge	Wood Street Playground (Orphan School Creek)	\$ 3,553,010.00
	Camperdown	Larkin St Reserve	\$ 534,812.00
	Forest Lodge	Minogue Reserve	\$ 19,000.00
	Darlington	Rose Terrace	\$ 644,177.00
2008	Pymont	Fish Market Gardens (Sc)	\$ 45,000.00
	Ultimo	Ada Place Playground	\$ 90,157.00
	Camperdown	Arundel Street Playground	\$ 85,355.00
	Surry Hills	Frogs Hollow Park	\$ 1,323,549.00
	Redfern	Hanson Cab Place	\$ 156,000.00
	Camperdown	May Pitt Playground	\$ 90,000.00
	Surry Hills	Parkham Street Closure	\$ 35,177.00
	Rosebery	Bannerman Crescent Reserve	\$ 192,000.00
2007	Waterloo	James Deacon Reserve	\$ 151,627.00
	Elizabeth Bay	Surrey St Playground	\$ 150,000.00
	Glebe	Sarah Pennington Reserve	\$ 250,000.00
	Glebe	Franklin St Park playground	\$ 40,000.00
	Surry Hills	Ward Park	\$ 90,000.00
	Forest Lodge	Lew Hoad Reserve	\$ 500,000.00
2006	Darlington	Lacrozia Reserve	\$ 220,000.00
	Sydney	Lang Park	\$ 90,000.00
	Surry Hills	Shannon Reserve	\$ 60,000.00
	Elizabeth Bay	Waratah St Reserve	\$ 200,000.00
2005	Chippendale	Peace Park	\$ 60,000.00

Year completed	Suburb	Locations	Approx. Cost
	Glebe	Thomas Portley Reserve	\$ 60,000.00
	Glebe	AV Henry Reserve	\$ 60,000.00
	Glebe	Arthur Paddy Grey Reserve	\$ 90,000.00

Future upgrades are scheduled based on asset condition and feedback from the community. Works planned for the next four years (subject to budget approval by Council) include:

Projected Small Parks and Playground Upgrades (2016-2021)			
2016	Sydney	Lang Park stage 2	\$ 30,000.00
	Redfern	Elizabeth McCrea Reserve	\$ 280,000.00
	East Sydney	East Sydney Community & Arts Centre Park	\$ *600,000.00
	Erskineville	Renwick Street Reserve	\$ 280,000.00
2017	Surry Hills	Shannon Reserve	\$ 720,000.00
	East Sydney	222 Palmer St Park	\$ 350,000.00
	Sydney	Jessie Street Gardens	\$ 1,000,000.00
2018	Redfern	Daniel Dawson Reserve	\$ 500,000.00
	Woolloomooloo	Woolloomooloo Playground	\$ 700,000.00
2019	Alexandria	Alexandria Park Playground	\$ 700,000.00
	Forest Lodge	Ross Street Playground	\$ 750,000.00
	Glebe	Ernest Pedersen Reserve and William Carlton Gardens	\$ 750,000.00
2020	Glebe	Cardigan Street Reserve	\$ 1,000,000.00
	Forest Lodge	Minogue Crescent Reserve	\$ 750,000.00
	Darlington	Thomas Street Playground	\$ 250,000.00
2021	Chippendale	Strickland Park	\$ 300,000.00
	Millers Point	Trinity Ave Playground	\$ 250,000.00

PAYING SMALL BUSINESS WITHIN 30 DAYS (S103147)

17. By Councillor Vithoukas

Question

The NSW State Government has a policy requiring government agencies to pay outstanding invoices within 30 calendar days or pay penalty interest for late payment. What is the City's policy about paying invoices submitted by small businesses within 30 days?

Answer by the Lord Mayor

The City's Accounts Payable Policy establishes a framework for processing invoices and payments in accord with legislative requirements and to ensure best practice in our business operations.

The City's standard terms of trade for the payment of suppliers are 30 days from the date of invoice, terms which are reiterated in our standard contract conditions and referenced within our issued purchase orders. In the event where 30 days is inappropriate for a particular supplier, which is uncommon, the standard terms may be varied after due consideration and with the approval of the Procurement Manager.

Provided that goods and services are supplied of an appropriate standard, the City's payment processes are geared to ensure payment is made within that approved payment term.

COMMEMORATING SYDNEY ANZACS (S103147)

18. By Councillor Vithoukas

Question

In the entrance to Town Hall, there are two plaques commemorating the Council employees who served in World War 1 and World War 2. While family members of those listed on the boards are often seen visiting to take photographs of these important memorials, for the rest of us they remain names of strangers. It is only when we get to learn about the actual stories of the individuals that these names become more than a stranger on a list.

While the plaques at the Town Hall entrance commemorate former Council employees, many residents of the LGA signed up in both wars with tragic results.

Can the City confirm whether James Michael O'Connor commemorated on the Council Employee World War 2 plaque in the foyer of Town Hall is the same as the James Michael O'Connor NX3029, 34 years old, who died in the Battle for Greece on 26 April 1941?

He served as a private in the Australian Army Service Corps 6th Aust. Division and was the son of Michael and Elizabeth Agnes O'Connor and the husband of Ethel O'Connor of Kingsford. Upon his enlistment, James and his wife Ethel lived at Kendall Street Surry Hills and he was a lorry driver.

Answer by the Lord Mayor

The City of Sydney Archives is considered the premier local government archives collection in Australia. The archives collection has now been accumulating for more than 170 years, and includes records from the City of Sydney, other entities absorbed by the City at different times and from local government area community groups.

The City responds to over 5,000 archive related enquires every year. Further information on the scope of the City's archive collection (including on-line catalogue and search tools) may be found at - <http://www.cityofsydney.nsw.gov.au/learn/search-our-collections>

The honour roll to recognise the war service of City staff during World War 2, installed at Sydney Town Hall in the late 1940s, is inscribed with the names of 13 staff members who died while on active service. The City intends to digitise the staff cards for these 13 men, and make them available through our online catalogue.

The information requested in relation to the names of the war dead inscribed on the World War 2 honour roll is being researched. A further response will be provided to Councillor Vithoukas.

SHARING HISTORY (S103147)

19. By Councillor Vithoukias

Question

The Rosebery parks Crete Reserve, Tarakan Reserve and El Alamein Reserve were all renamed after the Second World War to commemorate the battles, service and lives of the Australian men who served there.

Does the City provide and maintain plaques in these reserves sharing the history of these spaces, the battles they are named after and the Australian men and women who served there?

Answer by the Lord Mayor

The El Alamein Reserve War Memorial with Sundial is located in the El Alamein Reserve and is maintained by the City. It was erected by the Rosebery AIF Auxiliary Fund and consists of a sandstone and granite plinth with sundial and memorial garden surrounds. The memorial includes the names of the citizens of Rosebery who gave their lives in the Second World War.

The City will be installing history panels in the park signage at Crete Reserve in 2016. The panel narrative will include reference to WWII and the naming of the Reserve and the neighbouring Tarakan Reserve and El Alamein Reserve.

As the three reserves are small and very close together, only the one sign is proposed, to be located on Crete Reserve, but addressing the historical naming of the three Reserves.

457 VISAS (S103141)

20. By Councillor Mandla

Question

Like many organisations, the City of Sydney most likely employs workers under 457 visas for skilled work.

Could the Lord Mayor please answer:

1. What is the City of Sydney's stance on employing 457 visa holders?
2. How many 457 visa workers are employed by the City of Sydney?
3. What divisions are these workers employed in?
4. How are particular jobs categorised as "highly skilled"?
5. What is the process undertaken by the City of Sydney before a 457 visa applicant is hired?
6. What is the cost of sponsoring a 457 visa worker?
7. How much has the City of Sydney spent on sponsoring 457 visa workers in 2014 and 2015?

8. Does the City of Sydney help 457 visa workers become Permanent Residents?
9. How many 457 visa workers has the City of Sydney helped become Permanent Residents?

Answer by the Lord Mayor

1. The City of Sydney considers sponsoring a candidate for a 457 visa when the position has been comprehensively advertised and an Australian candidate was not secured for the position or when the non-resident candidate was the outstanding candidate for the position. In these instances, the position must be on the Department of Immigration and Border Protection's Skilled Occupation list and the person must be eligible to apply for a visa.
2. There are currently 11.
3. Six are employed in Planning, Development and Transport; two in City Operations; two in City Life; and one in City Projects and Property.
4. The position is included on the Department of Immigration and Border Protection's Skilled Occupation List.
5. The City begins the 457 visa process by lodging a nomination application according to the Department of Immigration and Border Protection's requirements and, once accepted, the employee lodges their visa application.
6. Approximately \$2,500 per visa.
7. The total cost of Temporary Work (Skilled) Visa sponsorship was \$7,587 for 2014/15 and \$7,109 for 2013/14.
8. Yes, in instances where the City of Sydney continues to require the skilled worker.
9. In 2014/15 financial year there were three instances.

HOMELESSNESS OUTREACH SERVICES AND FUNDING (\$103141)

21. By Councillor Mandla

Question

The City of Sydney funds many organisations in social welfare sectors.

Could the Lord Mayor please answer:

1. Does the City of Sydney fund the YWCA Brokerage?
2. How much funding does the City of Sydney give the YWCA?
3. Are there any conditions on this funding?
4. Does the City of Sydney have any say in how the funding is spent/on which initiatives it is spent on?
5. Does the City of Sydney fund Neami National?

6. How much funding does the City of Sydney give Neami National?
7. Are there any conditions on this funding?
8. Does the City of Sydney have any say in how the funding is spent/on which initiatives it is spent on?
9. Does the City of Sydney give any funding to The O'Brien Centre?
10. How much funding does the City of Sydney give The O'Brien Centre?
11. Are there any conditions on this funding?
12. Does the City of Sydney have any say in how the funding is spent/on which initiatives it is spent on?
13. Does the City of Sydney fund the Homeless Health Service at St Vincent?
14. How much funding does the City of Sydney give the Homeless Health Service?
15. Are there any conditions on this funding?
16. Does the City of Sydney have any say in how the funding is spent/on which initiatives it is spent on?
17. Are there any other organisations that the City of Sydney funds for homelessness outreach services?
18. How much funding is given to other organisations?
19. Does the City of Sydney conduct investigations into the staffing and integrity of social and welfare organisations before giving funding?

Answer by the Lord Mayor

On 3 November 2014 Council resolved to:

- approve a cash grant of up to \$1,228,500 (excluding GST) in 2014/15 to the Department of Family and Community Services for specialist homelessness services in inner city Sydney, including assertive outreach, service coordination for young people, brokerage and supported housing as outlined in the subject report; and
- approve a cash grant of \$1,400,000 (excluding GST) plus CPI per annum in 2015/16 and 2016/17 to the Department of Family and Community Services for specialist homelessness services in inner city Sydney, including assertive outreach, service coordination for young people, brokerage and supported housing.

The City has entered into a grant agreement with the Department of Family and Community Services who distribute the funds as follows:

- \$600,000 to Neami National to enhance outreach services and increase delivery of this service in the City of Sydney, including specialist Aboriginal and Torres Strait Islander services;

- \$600,000 to extend the Department of Family and Community Services' Connect 100 Program to provide 26-30 inner city tenancy and support packages for people sleeping rough in the inner city; and
- \$200,000 to Launchpad, in partnership with the Ted Noffs Foundation and Weave Youth and Community Services to deliver the flexible brokerage and service coordination for young people experiencing homelessness or at risk of homelessness.

The two non-government organisations in receipt of this funding were successful in the Department of Family and Community Services' specialist homelessness services tender process in 2014.

Recommendations are made to Council after assessment of demonstrated community need, organisational capacity to deliver identified outcomes, organisational past performance, budget, partnerships and contributions. Once recommended applications are approved by Council, City staff develop a grant agreement which includes performance measures, targets and conditions that must be adhered to, and acquitted against.

The City also leases 90 Regent Street, Redfern to the Property Industry Foundation at a peppercorn rental of \$1.00 per annum. The Property Industry Foundation subleases the premises to the Salvation Army to run a transitional accommodation service for young people who are at risk of or experiencing homelessness. In return for works undertaken on the property by the Property Industry Foundation, the City forgoes potential market rent of \$50,000 annually to facilitate this arrangement – an in-kind contribution of in excess of \$250,000 over the five-year lease. The current lease term will expire on 21 June 2017.

LABOUR ANALYTICAL SYSTEM TO MONITOR STAFF ATTENDANCE AND MOVEMENTS (S103141)

22. By Councillor Mandla

Question

Could the Lord Mayor please answer:

1. Is a labour analytical system to be introduced to monitor Council staff attendance and movement in the workplace?
2. If so, is participation in this system obligatory for all staff with the only permanent exceptions being the Chief Executive Officer, the Council Directors and your Chief of Staff?
3. Are there to be any other exemptions from participation in this monitoring system (other than the CEO, Directors and your Chief of Staff)?
4. Will you confirm that exceptions will only occur where absolutely necessary and will be "signed off" by a Director or your Chief of Staff?
5. Will you confirm that, insofar as your own staff are concerned, this labour analytical system will:
 - (a) not apply to your Chief of Staff;

- (b) not apply to staff reporting directly to you as Lord Mayor; and
 - (c) require “Sign Off” by your Chief of Staff for any exemptions from this system deemed necessary for selected members of your staff from time to time?
6. Will the database established by this labour analytical systems program form the major basis for compiling staff payrolls?
 7. For what time period will the data collected by this labour analytical system be retained by Council?
 8. Will Governance fully investigate and take necessary disciplinary action when unsubstantiated absenteeism or unusual attendance or movement patterns are detected by this analytical system for an individual employee?
 9. Should a contractor be responsible for maintaining and monitoring this labour analytical systems program and reporting unsubstantiated absenteeism or unusual attendance behaviour to Council, will Governance be advised and fully investigate and where necessary, take disciplinary action?
 10. Will the Chief Executive Officer regularly review the list of exemptions granted by Directors and your Chief of Staff?
 11. Will you confirm that the Lord Mayor and all Councillors and staff who report directly to Councillors will be exempt from this program?

Answer by the Lord Mayor

The City is undertaking a project to improve the Human Resource Information Systems (HRIS) to support the efficiency, effectiveness and integrity of HR business processes.

The project is being implemented in three ‘streams’ which aim to:

- Build on the City’s existing investment in Frontier Software “Chris²¹” as the core payroll system and ‘source of truth’ for employee information.
 - Increase the value derived from the City’s existing use of Kronos “Workforce Central” as the core time and attendance system.
 - Implement a new Talent Management Suite to complement existing HR systems. The priority processes identified in this stream are Learning and Development, Performance Management and Recruitment.
1. No. Kronos has been used in the City since 2004, and currently records time and attendance data for approximately 450 employees. Its use will be expanded as part of the HRIS project and will include a module that provides intelligent rostering capabilities.
 2. Employees will use Kronos for time and attendance if they work rotating or variable shift patterns; work overtime that may entitle them to meal, travel, or other allowances; work at different sites or for different cost centres; or if the service has related compliance requirements, such as childcare.

3. Employees who don't meet one or more of the criteria outlined in 2 will not use Kronos. These are generally salaried staff whose pay is consistent each fortnight. The City gave consideration to implementing Kronos time and attendance monitoring for all City employees, but ruled it out following an analysis of the cost compared to the limited business benefit for this group of employees.
4. See 2 and 3.
5. See 2 and 3.
6. The Kronos system interprets the time and attendance data against the relevant industrial awards to determine each employee's entitlement to ordinary and overtime pay and any allowances. The timesheet data is passed electronically to the Chris²¹ payroll system for payment to employees.
7. All time and attendance data gathered for the purposes of calculating employees' pay is required to be retained for "a minimum of six (6) years after the action is completed", as per the NSW State Records Authority regulation GA39 22.16.02.
8. The City's Governance and Workforce Services units investigate and take the appropriate disciplinary action in relation to wrong doing.
9. The HR systems are managed by employees in Workforce Services.
10. Not applicable.

The Lord Mayor and Councillors are not employees and will not use the Kronos system. Staff who work in Councillors' offices may use the system if they work rotating or variable patterns or if there is another business improvement opportunity.

ITEM 13 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS

There were no supplementary answers to previous Questions on Notice for this meeting of Council.

ITEM 14 NOTICES OF MOTION**Order of Business**

At this stage of the meeting, in accordance with Clause 239(2) of the Local Government (General) Regulation 2005, Council resolved that the Order of Business be altered such that Item 14.4 be brought forward and dealt with before Item 14.1.

Note - The Chair (the Lord Mayor) welcomed members of the Sydney Skateboard Association to the meeting.

SKATEBOARD FACILITIES (S103133)

4. Moved by Councillor Scott, seconded by Councillor Mandla -

It is resolved that:

(A) Council note:

- (i) the Resolution of Council 'Skateboard Facilities' of 9 December 2013; and
 - (ii) that, in the 2015/2016 Quarter 1 Review – Delivery Program 2014-2017, funding for the Urban Skate Parks Strategy and Works has been deferred to later years; and
- (B) the Chief Executive Officer be requested to reinstate funding which has been moved from the 2016/2017 Capital Works Budget for the Urban Skate Parks Strategy and Works program as detailed in the 2015/2016 Quarter 1 Review – Delivery Program 2014-2017.

Foreshadowed motion. Council Green foreshadowed that, should the motion moved by Councillor Scott be lost, she would move the following alternative motion:

It is resolved that Council 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 approved scoping report for The Crescent at Johnstons Creek, which includes the provision of a skate park, and for which a Development Application is expected to be lodged this year;
- (D) the Sydney Park Plan of Management, adopted 12 May 2014, includes a scoping study on skate facilities within Sydney Park;
- (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;
- (F) ongoing discussions with the Sydney Skate Association on possible sites, design input and proposed facilities to inform design and consultation processes;

- (G) a pop-up skate park, including supervised skate sessions, that 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; and
- (H) that the City remains committed to providing funding for construction of new skate facilities.

The motion moved by Councillor Scott was lost on the following show of hands –

Ayes (4) Councillors Forster, Mandla, Scott and Vithoulikas

Noes (6) The Lord Mayor, Councillors Doutney, Green, Kemmis, Kok and Mant.

Motion lost.

Councillor Green then moved her foreshadowed motion, seconded by the Chair (the Lord Mayor).

Variation. At the request of Councillor Scott, and by consent, the motion was varied by the addition of the words “in 2016/17, where possible” at the end of clause (H).

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

Point of Order

During discussion on this item, Councillor Scott raised a point of order in that the Lord Mayor’s comment that she was misleading members of the public was false.

The Chair (the Lord Mayor) overruled the point of order.

CHARGING FOR PUBLIC LANDS (\$103137)

1. Moved by Councillor Doutney, seconded by Councillor Scott -

It is resolved that:

(A) Council note:

- (i) Barangaroo Reserve was recently opened by the State Government on 22 August this year, to the proclamation that the land was being “returned to the people”;
- (ii) Barangaroo Delivery Authority has recently announced the sale of 10,000 tickets for access to these public lands for views of the fireworks over New Year’s Eve;
- (iii) the public are expected to pay \$29.50 for one adult ticket, \$14.50 for a child, and \$79 for a family pass;
- (iv) an Authority spokeswoman revealed that these costs could not even guarantee a Harbour view. The underwhelming consolation for this is that “everyone will have a full view of the sky”; and

- (v) the recent slew of public lands being sold off to private interests, including public housing sell-offs, and James Packer's proposed Casino that encroaches onto public land; and
- (B) the Lord Mayor be requested to write to the State Government, rejecting their attempts to continuously privatise public space, especially considering the New Year's celebrations are under City of Sydney authority; and to alert them to the fact that City of Sydney is opposed to charging the public for access to public land. This letter could also remind the State Government of their duty to keep public lands out of the hands of private interests.

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

It is resolved that:

- (A) Council note that:
 - (i) Barangaroo Reserve was recently opened by the State Government on 22 August this year, to the proclamation that the land was being "returned to the people";
 - (ii) in July 2015, the City lodged a submission to the draft Barangaroo Delivery Authority Regulation 2015 opposing the management of the public domain in Barangaroo by the Barangaroo Delivery Authority, requesting that this land and its management responsibilities should be returned to the City and entry fees should be kept to a minimum and publicly exhibited before adoption;
 - (iii) the Barangaroo Delivery Authority has recently announced the sale of 10,000 tickets for access to these public lands for views of the fireworks over New Year's Eve;
 - (iv) tickets to this event are priced at \$29.50 for one adult ticket, \$14.50 for a child, and \$79 for a family pass;
 - (v) the City holds ticketed events on public land, but does not charge for them. These events are ticketed to provide certainty to people that they can attend and ensure that crowds are kept within safe and manageable limits; and
 - (vi) some NSW Government New Year's Eve events on NSW parks and reserves are not subject to charge, including parts of the Royal Botanic Gardens (Mrs Macquarie's Chair); and
- (B) the Lord Mayor be requested to write to the NSW Government to make good its proclamation to return Barangaroo Reserve to the people and rescind its decision to charge commercial rates for the public to attend New Year's Eve celebrations at Barangaroo Reserve.

The motion, as varied by consent, was carried on the following show of hands –

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

Noes (2) Councillors Forster and Mandla.

Motion carried.

SALE OF MILLERS POINT PROPERTIES (\$103133)

2. Moved by Councillor Scott, seconded by Councillor Doutney -

It is resolved that Council:

- (A) note that the NSW State Government has sold 33 properties in the public housing estate in Millers Point, totalling more than \$73 million;
- (B) call upon the NSW State Government to invest all monies from the sale of public housing properties in Millers Point in new social and affordable housing projects in the City of Sydney local government area; and
- (C) write to the Minister for Housing advising of Council's position on the monies raised by the sell-off of properties in Millers Point.

Foreshadowed motion. Council Kemmis foreshadowed that, should the motion moved by Councillor Scott be lost, she would move the following alternative motion:

It is resolved that:

- (A) Council note that:
 - (i) since it announced in March 2014 that it was selling 293 properties in the Sirius building in Millers Point, the NSW State Government has sold over 40 properties in the public housing estate;
 - (ii) the sale of Millers Point social housing was commenced in 2008 by the Labor Government, which sold 29 properties with 99-year leases;
 - (iii) on 15 November 2015, the NSW Government announced that 28 properties will be retained as social housing in Millers Point; and
 - (iv) to meet the Sustainable Sydney target of 7.5 per cent social housing in the City by 2030, the retention of more social housing properties in Millers Point is urgently required; and
- (B) the Lord Mayor write to the Minister for Social Housing to request:
 - (i) a further increase in the number of social housing properties retained in Millers Point;
 - (ii) the Government provide detailed information on how monies from the sale of public housing properties in Millers Point will be spent; and

- (iii) the social housing removed from the City of Sydney in Millers Point be replaced and the supply of affordable housing be increased to meet the City's targets and maintain housing and socio-economic diversity.

The motion moved by Councillor Scott was lost on the following show of hands –

Ayes (3) Councillors Doutney, Scott and Vithoukas

Noes (7) The Lord Mayor, Councillors Forster, Green, Kemmis, Kok, Mandla and Mant.

Motion lost.

Councillor Kemmis then moved her foreshadowed motion, seconded by Councillor Mant.

The motion was carried on the following show of hands –

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

Noes (1) Councillor Mandla.

Motion carried.

IMPROVING AIR QUALITY THROUGH NEW TECHNOLOGY (S103133)

3. Moved by Councillor Scott, seconded by Councillor Doutney -

It is resolved that:

(A) Council note:

- (i) the adverse health and environmental impacts of poor air quality in the urban environment; and
- (ii) recent technological advances which have been made to filter air technology by removing pollutants and expelling smog-free air, an example of which is the Smog Free Project by Dutch designer Daan Roosegaarde; and

(B) the Chief Executive Officer be requested to conduct a feasibility study into air filter technology and its potential adaptation in the City of Sydney, including the capacity for air filter technology to be fitted to the City's fleet of garbage trucks, and provide a report to Council via CEO Update.

Foreshadowed motion. Councillor Kemmis foreshadowed that, should Councillor Scott's motion be lost, she would move an alternative motion.

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 Vithoukas

Motion lost.

Councillor Kemmis then moved her foreshadowed motion, seconded by the Chair (the Lord Mayor), as follows:

It is resolved that Council note:

- (A) the adverse health and environmental impacts of poor air quality in the urban environment;
- (B) the City's garbage trucks are the cleanest and lowest emissions vehicles of their type available in Australia and comply with the stringent Euro 5 diesel emission standards;
- (C) after the introduction of the Euro 6 diesel emission standards in 2018, the City will investigate upgrading the City's garbage trucks;
- (D) the Sustainable Fleet Management Program that the City has implemented over the past five years has reduced fleet greenhouse gas emissions by nearly 30 per cent and been recognised with two prestigious environmental awards – the NSW Green Globe Awards and the NSW Local Government Excellence in the Environment Awards;
- (E) the City's garbage trucks are currently operating on a 50 per cent blend of sustainable bio-diesel, further reducing greenhouse gas emissions by over 20 per cent; and
- (F) a study by the University of Technology has found that the City of Sydney policy to increase urban canopy by 50 per cent would have a bigger impact on air quality than reducing vehicle traffic.

Carried unanimously.

SKATEBOARD FACILITIES (S103133)

4. By Councillor Scott

Note - This matter was dealt with at an earlier stage of the meeting (see page 2205).

NORTH EVELEIGH PRECINCT (S103133)

5. Moved by Councillor Scott, seconded by Councillor Doutney -

It is resolved that:

- (A) Council note:
 - (i) the redevelopment of the North Eveleigh Precinct by UrbanGrowth NSW under the Central to Eveleigh Urban Transformation and Transport Program; and
 - (ii) the need for investment in local community infrastructure to provide adequate urban amenity in the areas surrounding the development due to the increase in population of the North Eveleigh Precinct;

- (B) Council request the NSW State Government and UrbanGrowth NSW commit to re-investing all funds from the sale of land in the North Eveleigh Precinct towards local infrastructure, such as cycleways and green space; and
- (C) the Lord Mayor be requested to write to the Minister for Planning and the Chief Executive Officer of UrbanGrowth NSW conveying Council's request.

Foreshadowed motion. Council Mant foreshadowed that, should the motion moved by Councillor Scott be lost, he would move the following alternative motion:

It is resolved that:

- (A) Council note:
 - (i) the proposed redevelopment of the North Eveleigh Precinct by UrbanGrowth NSW under the Central to Eveleigh Urban Transformation and Transport Program;
 - (ii) the draft North Eveleigh Precinct Plan is on exhibition until 30 November 2015 and the City is preparing a submission; and
 - (iii) the NSW Government has provided a commitment that proceeds from the sale of the Australian Technology Park will be invested in the local area to finance major infrastructure projects; and
- (B) the City's submission requests:
 - (i) the NSW State Government and UrbanGrowth NSW commit to investing adequate funds from the sale of land in the North Eveleigh Precinct in local infrastructure (such as cycleways, green space, community and creative facilities) to support existing residents and cater for the increased population; and
 - (ii) UrbanGrowth NSW work with the City of Sydney to ensure that the local infrastructure investment and provision align to the needs of the current and future community of North Eveleigh and surrounding areas.

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.

Carried unanimously.

KINGS CROSS FESTIVAL FUNDING (\$103139)

6. By Councillor Forster

It is resolved that:

(A) Council note:

- (i) on 29 June 2015, Council approved a Festivals and Events Sponsorship to the Potts Point Partnership for the 2015, 2016 and 2017 Kings Cross Festival comprising of:
 - (a) \$80,000 cash (excluding GST) and value-in-kind (VIK) for banner pole hire waiver up to the value of \$6,200 for 2015;
 - (b) \$60,000 cash (excluding GST) and VIK for banner pole hire waiver up to the value of \$6,200 for 2016; and
 - (c) \$40,000 cash (excluding GST) and VIK for banner pole hire waiver to the value of \$6,200 for 2017;
- (ii) in the CEO Update of 22 October 2015, it was reported that the 2015 festival which was originally planned to take place in October had been deferred to 27-28 February 2016 in order to provide adequate time to plan for and achieve a quality event; and
- (iii) as part of an ongoing review, the Potts Point Partnership is considering the best time frame for the festival to occur in the future; and

(B) the Chief Executive Officer be requested to:

- (i) provide advice as to whether the 2015 funding will now be applied to the event taking place in February 2016; and
- (ii) put on hold Council's funding arrangements for the Kings Cross Festival for 2016 and 2017 pending finalisation of the review by the Potts Point Partnership and confirmation of timing of future Kings Cross Festival events.

Note – Councillor Forster withdrew her Notice of Motion, following advice from the Chief Executive Officer that confirmation in writing would be provided to Councillors that the 2015 funding for the Kings Cross Festival can be used up until the end of June 2016.

At 8.45pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 14 December 2015 at which
meeting the signature herein was subscribed.