

COUNCIL

Meeting No 11
Monday 14 December 2015
Notice No 11/1569
Notice Date 10 December 2015

minutes

city of villages

INDEX TO MINUTES

ITEM	PAGE NO
1. CONFIRMATION OF MINUTES	2218
2. DISCLOSURES OF INTEREST.....	2219
3. MINUTES BY THE LORD MAYOR –	
3.1 ANNIVERSARY OF MARTIN PLACE SIEGE.....	2220
3.2 WESTCONNEX	2222
3.3 CONFERENCE OF THE PARTIES TO THE UNITED NATIONS CONVENTION ON CLIMATE CHANGE, PARIS	2225
4. MEMORANDA BY THE CHIEF EXECUTIVE OFFICER.....	2233
5. MATTERS FOR TABLING	2234
6. REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 7 DECEMBER 2015.....	2236
6.1 DISCLOSURES OF INTEREST	2237
6.2 PUBLIC PRESENTATION OF THE 2014/15 FINANCIAL STATEMENTS AND AUDITOR'S REPORTS	2238
6.3 INVESTMENTS HELD AS AT 30 NOVEMBER 2015.....	2238
6.4 GRANT OF EASEMENT - CITY WEST HOUSING - 3 JOYNTON AVENUE ZETLAND.....	2238
6.5 LEASE RENEWAL TO KAPLAN PTY LTD LEVEL 8, 540 GEORGE STREET, SYDNEY	2239
6.6 TENDER – 74-76 OXFORD STREET - UPPER LEVELS FLOOR AND ROOF STRUCTURAL UPGRADE WORKS	2239
6.7 TENDER - 98 OXFORD STREET - SHOPFRONT AND INTERNAL MAKE GOOD WORKS	2240
6.8 TENDER - FOLEY STREET RETAIL UPGRADE AND ASSOCIATED ESSENTIAL SERVICES.....	2240
6.9 TENDER - ARGYLE STREET UPGRADE – KENT STREET TO LOWER FORT STREET, MILLERS POINT SYDNEY	2241
6.10 TENDER – FRASER FOUNTAIN RESTORATION WORKS.....	2241
6.11 TENDER - CBD LANEWAYS REVITALISATION - HOSKING PLACE AND PENFOLD LANE, SYDNEY	2241

INDEX TO MINUTES

ITEM	PAGE NO
6.12	TENDER – THOMAS STREET, HAYMARKET, CATENARY ART WORK 2242
6.13	TENDER – CITY RECITAL HALL – CHILLER UPGRADE PROJECT 2242
6.14	TENDER - PREVENTATIVE AND REACTIVE MAINTENANCE SERVICES FOR BOOM GATES, AUTOMATIC DOORS AND GATES AND ROLLER SHUTTERS 2242
6.15	TENDER – SUPPLY AND DELIVERY OF TRUCK MOUNTED ELEVATING WORK PLATFORM..... 2243
6.16	TENDER - LIGHTING OF THE SYDNEY HARBOUR BRIDGE AND CIRCULAR QUAY BUILDINGS FOR THE 2016 AND 2017 SYDNEY CHINESE NEW YEAR FESTIVALS 2243
6.17	TENDER – SUPPLY OF OVERSEAS NEWSPAPERS 2243
6.18	TENDER – SUPPLY, PROCESSING AND ACCESSIONING OF SERIALS (MAGAZINES AND ANNUALS)..... 2244
6.19	TENDER - SELECTION, SUPPLY AND SHELF READY PROCESSING OF LIBRARY MATERIALS 2244
6.20	CANCELLATION OF TENDER - COMMUNITY CENTRE UPGRADES - RON WILLIAMS, REGINALD MURPHY AND CLIFF NOBLE 2244
6.21	CANCELLATION OF TENDER - CUSTOMS HOUSE LIFTS UPGRADE..... 2245
6.22	EXEMPTION FROM TENDER - NON-RESIDENTIAL REGISTER AND ROLLS OCCUPIER CONTACT 2245
6.23	EXEMPTION FROM TENDER - GREEN SQUARE WATER REUSE STAGE 2 EXPRESSION OF INTEREST 2246
6.24	EXEMPTION FROM TENDER - VARIATION TO UTILITIES MANAGEMENT INFORMATION SYSTEM LICENCE CONTRACT ... 2246
6.25	EXEMPTION FROM TENDER - RELOCATION OF FIBRE CABLES BY OPTUS FOR NEW INTERSECTION OF GEDDES AVENUE AT BOTANY ROAD 2247
6.26	VILLAGE BUSINESS GRANT PROGRAM 2015/16 - ROUND TWO ALLOCATION..... 2248

INDEX TO MINUTES

ITEM	PAGE NO
6.27 SPONSORSHIP - FASHION WEEK AUSTRALIA, FASHION WEEKEND EDITION AND FASHION TRADE SHOWS PRODUCED BY INTERNATIONAL MANAGEMENT GROUP (IMG)	2250
7. REPORT OF THE ENVIRONMENT COMMITTEE - 7 DECEMBER 2015	2254
7.1 DISCLOSURES OF INTEREST	2255
7.2 2015/16 ENVIRONMENTAL PERFORMANCE GRANT PROGRAMS – FIFTH ALLOCATION.....	2255
7.3 CLIMATE ADAPTATION STRATEGY – ADOPTION.....	2257
7.4 CITY NORTH PUBLIC DOMAIN PLAN – ADOPTION	2257
7.5 CHINATOWN AND CITY SOUTH PUBLIC DOMAIN PLAN REVIEW 2015 – ADOPTION.....	2258
7.6 HYDE PARK PLAN OF MANAGEMENT AND MASTER PLAN AMENDMENT – ANZAC MEMORIAL CENTENARY PROJECT – ADOPTION.....	2258
7.7 HYDE PARK IMPROVEMENT WORKS – PACKAGES 3 AND 4.....	2259
7.8 BURTON AND PALMER STREETScape UPGRADE, DARLINGHURST	2259
7.9 SMALL PARK UPGRADE – ELIZABETH MCCRAE PLAYGROUND	2259
7.10 LAWSON STREET CYCLEWAY AND FOOTPATH IMPROVEMENTS.....	2260
8. REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 7 DECEMBER 2015.....	2261
8.1 DISCLOSURES OF INTEREST	2261
8.2 SPONSORSHIP – AUSTRALIAN OLYMPIC AND PARALYMPIC TEAMS 2016	2262
8.3 GRANTS AND SPONSORSHIP – 2015/16 ANNUAL PROGRAMS ROUND TWO – REALLOCATION OF CULTURAL AND CREATIVE GRANTS AND SPONSORSHIP PROGRAM	2262
8.4 PUBLIC ART ADVISORY PANEL – REAPPOINTMENT OF MEMBERS	2263

INDEX TO MINUTES

ITEM	PAGE NO
9. REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 8 DECEMBER 2015.....	2264
9.1 DISCLOSURES OF INTEREST.....	2265
9.2 GREEN SQUARE UPDATE.....	2266
9.3 DESIGN ADVISORY PANEL - REAPPOINTMENT OF MEMBERS ...	2266
9.4 TRAFFIC TREATMENTS – STREETSCAPE IMPROVEMENTS – FOVEAUX STREET SURRY HILLS	2267
9.5 FIRE SAFETY REPORTS	2267
9.6 DEVELOPMENT APPLICATION: 110-120 KIPPAX STREET SURRY HILLS.....	2268
9.7 DEVELOPMENT APPLICATION: 58 RILEY STREET DARLINGHURST	2307
9.8 DEVELOPMENT APPLICATION: 456 KENT STREET SYDNEY - INSTALLATION OF A TRIGENERATION PLANT ON THE ROOF OF TOWN HALL HOUSE	2324
9.9 DEVELOPMENT APPLICATION: 251-255 OXFORD STREET PADDINGTON - PADDINGTON RESERVOIR GARDENS	2338
9.10 DEVELOPMENT APPLICATION: 50 BRAY STREET ERSKINEVILLE.....	2348
9.11 DEVELOPMENT APPLICATION: 304-310 VICTORIA STREET DARLINGHURST	2375
9.12 DEVELOPMENT APPLICATION: 145 REGENT STREET CHIPPENDALE.....	2395
9.13 DEVELOPMENT APPLICATION: 590-614 BOURKE STREET SURRY HILLS.....	2424
9.14 DEVELOPMENT APPLICATION: 160-166 SUSSEX STREET SYDNEY	2453
10. NAGOYA FESTIVAL AND 35TH ANNIVERSARY SISTER CITY CELEBRATION - TRAVEL REPORT BY COUNCILLOR DOUTNEY AND COUNCILLOR GREEN.....	2461
11. PROPOSED NAMING OF AN UNNAMED ROAD OFF NELSON STREET, ANNANDALE	2461
12. ALCOHOL RESTRICTIONS AND THE KINGS CROSS LICENCE FREEZE	2461

INDEX TO MINUTES

ITEM	PAGE NO
13. DEVELOPMENT APPLICATION: 153-165 BROUGHAM STREET WOOLLOOMOOLOO	2467
14. QUESTIONS ON NOTICE	2511
15. SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS	2534
16. NOTICES OF MOTION	2535

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 Vithoukaskas.

At the commencement of business at 5.10pm, those present were:-

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

Councillor Scott left the meeting of Council at 8.00pm prior to discussion on Item 7.2 and returned at 8.01pm 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 7.2.

Councillor Kok left the meeting of Council at 8.18pm prior to discussion on Item 9.14 (which had been brought forward) and returned at 8.19pm 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 9.14.

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 Acting Director City Operations 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 23 November 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 disclosed a significant, non-pecuniary interest in Item 7.2 on the agenda in that she is employed by the University of Sydney, which is a recommended grant recipient. Councillor Scott stated that she would not be present for discussion or voting on Item 7.2

Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 9.14 on the agenda in that he has previously acted in a legal capacity for the educational institution, a party to the subject development application.

Councillor Angela Vithoukas disclosed a less than significant, non-pecuniary interest in Item 6.23 on the agenda, in that she has an association with what appears to be a mother company of these organisations.

(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 ANNIVERSARY OF MARTIN PLACE SIEGE**FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

In the early hours of 16 December 2014, the hostage crisis which had closed Martin Place, Sydney, for 16 hours ended tragically with the deaths of two hostages: Lindt café manager, Tori Johnson, and a customer, barrister Katrina Dawson. The hostage taker, Man Haron Monis, who had seized control of the Lindt Café shortly before 10am the previous day, was also fatally shot. Three other hostages and a police officer were injured during the police action which ended the siege.

Twelve months on, we reflect sadly upon these terrible events and their impact upon Tori's partner, Thomas Zinn, and Katrina's husband, Paul Smith, their children Chloe, Oliver and Sasha and Tori's and Katrina's families and friends.

We also reflect upon the impact of the siege on the seven Lindt employees and nine Lindt customers who survived the crisis. They will continue to need our support as they prepare to relive and recall these events when the inquest into the deaths of Katrina, Tori and Man Monis resumes in March 2016.

Tomorrow evening, I will join the Premier, Tori's and Katrina's families and the siege survivors for a twilight public ceremony to mark the first anniversary of this traumatic event. It will be an opportunity to remember Katrina and Tori, offer our support to their families and the siege survivors and recognise the resilience and compassion of a proudly multicultural and harmonious city. This resilience and compassion was evident in the days immediately following the siege when Sydney-siders in large numbers placed cards, floral and other tributes in Martin Place.

It will also be an opportunity to remember and acknowledge the professionalism of the employees of the many agencies who responded to this event. This includes City staff who were rostered at the Police Operations Centre, provided CCTV vision required by other agencies to manage the incident, helped interpret building plans which helped guide tactical responses, provided Council resources as requested, including barricades and street cleansing and helped enable the streets to reopen.

In the days following the siege, the Sydney community spontaneously responded to its tragic conclusion. Within hours, people began laying flowers in Martin Place to show their respect for Tori, Katrina and their families. Over the days that followed, this impromptu flower memorial swelled to fill the block in front of the Lindt Café. City staff worked with the NSW Government on the management of Martin Place during this time, later packing up the mountain of floral tributes for mulching and preserving for the families all the cards, gifts and notes attached to the flowers.

This spontaneous floral tribute has inspired a permanent memorial for Martin Place. Designed by Professor Richard Johnson, a leading Australian architect and a member of the City's Design and Public Art Advisory Panels, the memorial will feature 400 flower symbols inlaid into the granite pavement of Martin Place. The flower symbols will be encased in small cubes which will scatter across the public plaza and shine at night in a starburst pattern.

The selection of the design is the culmination the work of Martin Place Memorial Committee established by the Department of Premier and Cabinet to consider a permanent memorial in consultation with Tori's and Katrina's families. It was chosen from a shortlist of four by a Panel comprising Museum of Contemporary Art director Elizabeth Ann Macgregor, NSW Government Architect Peter Poulet and City of Sydney design director Bridget Smyth.

RECOMMENDATION

It is resolved that Council:

- (A) note that 15 December 2015 is the first anniversary of the Martin Place siege which resulted in the loss of three lives;
- (B) note that the community's response in the immediate aftermath of the siege reaffirmed Sydney's strength as a resilient, compassionate, accepting multi-cultural city;
- (C) offer our support for the families and friends of the late Katrina Dawson and the late Tori Johnson;
- (D) express our support for the survivors of the Martin Place siege as they prepare to give evidence at the inquest into these tragic events;
- (E) acknowledge the professionalism of the employees of the many agencies who responded to this event, including City staff;
- (F) note that the City of Sydney has worked with the NSW Government, Tori's and Katrina's families and the siege survivors to realise an appropriate permanent memorial to commemorate this tragic event, resulting in the selection of Professor Richard Johnson's inspired design for a permanent memorial; and
- (G) invite all persons in the Chamber to stand for one minute in silence to mark the anniversary of this traumatic event.

COUNCILLOR CLOVER MOORE

Lord Mayor

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

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

Carried unanimously.

Note – All Councillors, staff, press and members of the public present stood in silence for one minute to mark the anniversary of the siege.

ITEM 3.2 WESTCONNEX**FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

The NSW Government has released an updated WestConnex Business Case and the Environmental Impact Statement (EIS) for the New M5 St Peters Interchange.

These documents confirm that WestConnex will be a disaster for our city and that the impacts of the St Peters Interchange will be even worse than previously feared.

The financial and opportunity costs of this project are massive and increasing. Substantial traffic will be channelled onto congested inner city streets, and the project will not deliver on its stated aims of providing access to the Port Botany and Sydney Airport.

Business Case

The WestConnex Business Case released on 20 November 2015 covers Stages 1, 2 and 3. It has more detail than the previous Business Case Executive Summary, *but key sections have not been released, including the capital cost breakdown, operating and maintenance costs, and lifecycle costs.* This is a shocking lack of transparency for a project with enormous unacceptable costs and impacts for Sydney.

The cost of the project is now estimated to be \$16.8 billion, up from the most recent estimate of \$14.8 billion and substantially over the original estimate of \$10 billion in 2012. This does not include additional stages such as the Western Harbour Tunnel and the northern beaches link which are largely locked in by earlier stages. The total cost could be up to \$25 or \$30 billion.

The Economic Appraisal of WestConnex by KPMG, included in the Business Case, concludes that the costs of Stages 1 and 2 are greater than the benefits - they have a negative Benefit Cost Ratio (BCR). Stage 3 needs to be included to achieve a positive BCR, although there is no detailed design and no secured funding for that stage and it might never be built.

The Business Case also includes disturbing new information about the impacts on the City of Sydney if all three Stages are built. A new tunnel portal will be constructed in Camperdown, just to the east of Missenden Road, next to the *Royal Prince Alfred Hospital and Sydney University*. This will put an additional 20,000 vehicles a day (33 per cent increase) on Parramatta Road east of the portal with no reduction in the number of trucks.

A massive new interchange will also be constructed at the *Rozelle rail yards*, compromising the *Bays Precinct renewal*. This will see an increase of 18,000 vehicles a day on the Anzac Bridge into the CBD, which does not have the capacity to handle the traffic.

New M5 St Peters EIS

On 27 November, the Environment Impact Statement (EIS) for the New M5 St Peters Interchange was released. With submissions due 29 January 2016, councils and

community groups will need to analyse and respond to thousands of pages of technical information during the holiday period.

The City's initial assessment of the EIS shows that the impact of the project is worse than we had feared:

- Massive volumes of new traffic: Euston Road and Campbell Roads, the two lanes roads on the southern and eastern sides of Sydney Park, will become six lane highways. Traffic on Euston Road will increase from 5,000 to 50,000 vehicles a day. This traffic will be directed onto already congested surrounding areas like Green Square, Alexandria, Erskineville, Ashmore and Redfern. Disturbingly, the Government Media Release for the EIS announced the St Peters Interchange will *"take motorists to areas such as the southern part of Alexandria, Green Square and Redfern"*, but there is no information or assessment on how the existing road network would handle this huge increase in traffic.
- Impact on Sydney Park: The St Peters Interchange will surround Sydney Park with high-volume multi-lane freeways. The widening of Campbell and Euston Roads will impact the park and result in the *loss of a row of mature paper bark trees on Euston Road*. The Interchange includes ventilation stacks next to Sydney Park and a construction compound on parkland in the south of Sydney Park.
- King Street threatened: Despite assurances that King Street will not be affected, the increases in traffic will inevitably create pressure to introduce clearways and threaten the character and viability of Sydney's most successful main street.
- Air quality affected: The huge increase in traffic will worsen local air quality.

The EIS shows that the new and old M5 East tunnels will carry fewer vehicles than the current M5 alone when the St Peters Interchange opens in 2019. This is primarily due to new tolls on the M5 East that will push drivers onto toll-free surface roads.

The City will prepare a detailed submission to the New M5 St Peters Interchange EIS ahead of the January submission deadline. We will also provide support to community and business groups who have requested assistance in responding to the EIS.

Support for Newtown Precinct Business Association

The Newtown Precinct Business Association is seriously concerned about the impact of the St Peters Interchange on King Street and has designed and produced "Save King Street" banners for poles along that street. The Association has asked Council to waive installation, removal and hiring costs for the month of January. Given the importance of King Street to our local government area, I am recommending Council support this.

RECOMMENDATION

It is resolved that:

- (A) Council express serious concerns about impacts of the WestConnex project confirmed by the updated Business Case:
 - (i) the cost of Stages 1, 2 and 3 has increased to \$16.8 billion from an original estimate of \$10 billion three years ago, representing an unacceptable financial and opportunity cost;

- (ii) to achieve a positive benefit cost ratio, construction of the first two stages necessitates construction of additional stages that are unfunded; and
 - (iii) portals and interchanges would be constructed at Camperdown and Rozelle that will deliver thousands of additional cars onto narrow and constrained CBD streets;
- (B) Council express serious concern about the impacts of the New M5 St Peters Interchange as confirmed in the Environmental Impact Statement:
- (i) substantial additional traffic is being channelled into already congested surrounding areas, with traffic on Euston Road alone increasing to 50,000 vehicles a day;
 - (ii) Sydney Park will be surrounded by multi-lane, high volume roads; mature trees will be removed for road widening, and a construction compound will be located on the park;
 - (iii) high volumes of additional traffic will inevitably impact on King Street and increase pressure for clearways; and
 - (iv) increased traffic and new ventilation stacks will worsen air quality;
- (C) Council approve value-in-kind support to the Newtown Precinct Business Association up to \$10,000 for hiring, installation and removal costs associated with the installation of 27 banners along King Street for the month of January 2016; and
- (D) authority be delegated to the Lord Mayor to finalise the City's submission on the New M5 St Peters Interchange EIS before the 29 January 2016 deadline, following circulation of a draft to Councillors.

COUNCILLOR CLOVER MOORE

Lord Mayor

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

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

Variation. At the request of Councillor Scott, and by consent, the motion was varied such that clause (B) read as follows:

- (B) Council strongly oppose the New M5 St Peters Interchange, as described in the Environmental Impact Statement, noting:

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 Vithoukias.

Noes (2) Councillors Forster and Mandla.

Motion carried.

ITEM 3.3 CONFERENCE OF THE PARTIES TO THE UNITED NATIONS CONVENTION ON CLIMATE CHANGE, PARIS

FILE NO: S051491

MINUTE BY THE LORD MAYOR

To Council:

On Monday 23 November 2014, Council endorsed a City delegation to participate in the 21st Conference of the Parties (COP 21) to the United Nations Framework Convention on Climate Change (UNFCCC) which convened in Paris from 30 November to 11 December 2015.

In this Minute, I provide a report back to Council about the trip.

I was in Paris for five days (arriving early 2 December and leaving early 7 December). The visit was an outstanding success. I attended eight high profile events and spoke at six of them. Other participants in the events at which I spoke included:

- French President François Hollande;
- United Nations Secretary-General Ban Ki-moon;
- United Nations Secretary-General's Special Envoy for Cities and Climate Change Michael Bloomberg;
- President of COP21 and Minister of Foreign Affairs and international Development, Laurent Fabius;
- Founder and Chairman of the Climate Reality Project Al Gore;
- European Commissioner for Economic Affairs Pierre Moscovici;
- Paris City Mayor Anne Hidalgo;
- London Lord Mayor Boris Johnson;
- Mayor of Rio de Janeiro Eduardo Paes;
- Mayor of New Orleans Mitch Landrieu;
- Mayor of Stockholm Karin Wanngård;
- Mayor of Milan Giuliano Pisapia;
- Mayor of Rotterdam, Ahmed Aboutaleb;
- Mayor of Wuhan WAN Yong;
- Lord Mayor of Copenhagen Frank Jensen;
- Minister of Energy for Morocco Abdelkader Amara;
- Governor of California Jerry Brown;
- Senior Director Social, Urban, Rural and Resilience Global Practice for the World Bank Ede Ijjasz-Vasquez; and
- Senior Director and Head of Environmental Initiatives for the World Economic Forum Dominic Waughray.

COP21 was a resounding success - I was delighted on Sunday morning to hear that nearly 200 countries had signed a genuinely historic agreement to limit greenhouse gas emissions.

Key elements of the deal include agreeing to:

- limit temperature increase to 'well below' 2 degrees and 'pursue efforts' to limit temperature increase to 1.5 degrees above industrial levels – the threshold that scientists warn we must stay below to avoid dangerous climate change;

- reach peak global emissions ‘as soon as possible’ and achieving net zero emissions in the second half of the century;
- undertake a stocktake of progress in 2018 and every five years thereafter. The review is intended to lead to deeper emissions cut targets and no nation may reduce its commitment; and
- ‘mobilise’ \$100 billion in finance to support developing nations mitigate and adapt to climate change.

FOCUS ON CITIES

For the first time, COP21 included a focus on the work being undertaken by cities to tackle climate change. More than half of the world’s population live in cities and cities are responsible for 70-80 per cent of global greenhouse gas emissions.

Cities are leading the way with ambitious targets and policies to reduce greenhouse gas emissions, proving that effective action on climate change and strong economic growth are compatible.

We were at COP with 1,000 city delegates, including mayors from over 40 major cities around the world, to encourage national leaders and negotiators to choose ambitious targets that match the climate science.

The main event held to showcase city work - the Climate Summit for Local Leaders - was organised by the C40 Cities Climate Leadership Group. C40 connects more than 80 of the world’s greatest cities, representing 600+ million people and one quarter of the global economy.

The C40 Cities Summit - which was opened by the President of France, François Hollande, and the Mayor of Paris, Anne Hidalgo – succeeded in attracting widespread coverage on the work of the C40 cities and their collective call for leadership. On the day it was held, against the backdrop of the huge COP21 meeting at Le Bourget, the C40 Cities Summit was the leading topic across social media in France.

C40 cities have committed to reduce their CO₂ emissions by 3 gigatonnes of CO₂e by 2030, equivalent to the annual carbon output of India.

New research was presented at the Summit, which included the fact that C40 cities have taken nearly 10,000 climate actions since COP15 in Copenhagen – a doubling of action in just six years.

We heard that collaboration is working; 30% of all climate action in C40 cities is taken as a result of city-to-city collaboration, 80% of which is through C40. And that C40 cities are investing in climate action, with 70% of citywide action financed by cities themselves.

70% of C40 cities report that they are already experiencing the impacts of climate change and C40 mayors are setting ambitious targets and long-term strategies. In 2015, cities reported plans to expand nearly all (78%) actions currently underway, up from 30% in 2011.

This is important because urban policy decisions before 2020 could determine up to a third of the remaining global carbon budget that is not already “locked-in” by past decisions.

Other key statistics included that the number of C40 cities taking action on:

- storm water capture systems - risen from 17 to 45;
- district electricity generation - risen from 3 to 21;
- restricting parking spaces in new development - risen from 9 to 31;
- support clean tech/ green industry clusters - risen from 3 to 26;
- cycle hire/ share programs - risen from 10 to 43;
- dedicated cycle lane - risen from 27 to 48;
- shared cycle lane - risen from 21 to 39; and
- commercial waste, disincentives or bans on certain waste (e.g. plastic bags) - risen from 10 to 26.

By showing what cities have already done, are currently doing, and have the potential to do, City Leaders were at COP to say loud and clear that national leaders, too, can and must agree on and deliver ambitious climate action.

PRESENTING THE CITY'S WORK

At each event I attended, I spoke about the City of Sydney's climate targets, progress and initiatives, in particular on our Green Infrastructure Master Plans.

The first event I attended was in the official blue zone at the COP 21 site at Le Bourget, where I joined a panel of Mayors, Ministers, the Rockefeller Foundation and representatives from the World Bank and the UN to talk about building resilience in cities.

I joined an international press conference with six other mayors from Paris, Copenhagen, Stockholm, Vancouver, Milan and Madrid to talk about why national leaders should look to cities for inspiration. At the World Green Building Council Mayors event in the COP site, I announced that our Better Building Partnership members, who own over 50 per cent of commercial properties in the City Centre, have now made savings of \$30 million and reduced their emissions by 45 per cent since they signed up to our 2030 goals in 2011.

I spoke about our work co-leading the C40 Private Buildings Efficiency Network, along with the Tokyo Metropolitan Government. A key aim of the network is to give cities a platform to learn about the wide range of policies and projects that other cities have implemented.

During a key panel discussion at the C40 Summit, I discussed building a bike network with the Lord Mayor of London, Boris Johnson, who said '*Stick at it – it's the right thing to do.*' And I presented the City's work encouraging more sustainable transport options on a panel on Ecomobility at the COP conference site.

I spoke about our plans to power our city with 100 per cent renewable energy by 2030.

I also joined Paris City Mayor Anne Hidalgo for a moving memorial to honour those killed in the recent terrorist attacks.

My participation raised the international profile of Sydney as a progressive, green city, generating over 270 items in international, national and metro media about the City of Sydney's environmental policies – including in The Economist, Bloomberg, Le Monde, The Australian Financial Review, CNN and BBC News.

FORUM PRESENTATIONS AND EVENTS

As a finalist nominated for the Residential Apartment Sustainability Plan, I attended the C40 awards event on behalf of the City of Sydney. We learnt about a range of innovative projects from the 10 winners of C40 awards including:

- the Climate Positive Stockholm Seaport initiative - a 'negative emissions' urban renewal project designed to be resilient to rising temperatures, sea-levels and precipitation in an exposed coastal location;
- the first use of green bonds by a C40 city, the City of Johannesburg, to raise funds for climate initiatives;
- the climate adaptation strategy by Rotterdam and its philosophy of learning how to 'live with water' and integrating adaptation with economic and liveability initiatives;
- a power purchase agreement negotiated with a wind farm by the District of Columbia, Washington, at a rate 20 per cent lower than fossil fuels to supply electricity equivalent to 17.5 per cent of emissions; and
- the Greenest City Action Plan by Vancouver - the Action Plan includes a target to reduce greenhouse gas emissions 33 per cent by 2020 following consultation with 35,000 people, a requirement for all buildings to be carbon neutral from 2020 and a range of transport, water and energy initiatives.

Staff will consider these projects in the design of relevant initiatives within the City's Master Plans.

One of the major themes across most forums was the inter-relationship between climate initiatives and wider socio-economic outcomes, especially within the Resilience in Urban Areas and Eco-mobility in Cities forums.

The World Bank observed that the impacts of climate change threatened to reverse efforts to reduce poverty in developing nations, pushing up to 100 million people back into poverty.

A series of cities presented on initiatives demonstrating positive outcomes and community support for climate initiatives that were successfully integrated with wider socio-economic objectives, such as transport initiatives to reduce racial and class divisions in Johannesburg, transforming streets to reduce vehicle use and increase activation in New York and access to public transport and poverty alleviation in Bogota.

These are important principles which the City also seeks to implement and will be embedded through the resilience strategy under development by the Chief Resilience Officer in partnership with other councils in Metropolitan Sydney.

SUMMARY OF MEDIA

While in Paris, I strongly advocated for the City's work on sustainability, complementing my speaking invitations with sustained media and social media engagement.

An analysis of the coverage found over 270 items across a range of metro, national and international media reaching over one million people.

High profile outlets included The Economist, The Australian Financial Review, The Sydney Morning Herald, BBC News, SBS World News, Nature, The Huffington Post, Le Monde, Le Figaro and Gizmodo. I was interviewed live on Bloomberg TV, French radio, France 24 TV and CNN.

The City's successful rollout of energy saving LED lights was reported by The Economist, BBC News, Gizmodo, Le Figaro and Le Monde. There were domestic stories on the visit in The Sydney Morning Herald ('Clover tells Paris the grass looks greener down here'), The Australian Financial Review ('Sydney office towers slash carbon emissions'), Central Magazine ('Clover Moore puts Sydney centre stage in Paris climate talks'), and Australian Associated Press ('Sydney shows way on climate change').

On social media, I reached around 250,000 people while in Paris across Twitter, Facebook, Instagram and Periscope.

The changed context for cities and other 'subnational actors' was picked up by the Vancouver-based Georgia Straight newspaper, which reported, "Now the focus is less on what national governments should strive to achieve and more on what cities and markets are actually doing. These messages were reinforced by a diverse range of people from Sydney mayor Clover Moore to American rap artist Akon, who is working to bring more and better lighting to Africa."

As Sydney Morning Herald journalist Peter Hannam reported, I was proud to have a positive story to tell in Paris - that the City's operations are already carbon neutral and deep emissions cuts are under way as business and green groups get on with taking action.

BUDGET

C40 is covering most of my travel and accommodation costs and some costs for accompanying staff. During the Council meeting on 23 November, Council endorsed a budget of approximately \$13,000 per person from funds available within existing operational budgets.

While final incidental costs are still to be reconciled, the trip will come in under the budget approved by Council.

RECOMMENDATION

It is resolved that Council:

- (A) note the success of the City's visit to Paris for the 21st Conference of the Parties (COP 21) to the United Nations Framework Convention on Climate Change;
- (B) note that the City of Sydney joined an unprecedented alliance of cities in Paris to advocate for stronger national targets and action on climate change;
- (C) note the historic agreement reached at COP 21, the first universal climate change agreement under which almost 200 countries agreed to:
 - (i) achieve peak global greenhouse gas emissions 'as soon as possible' and net zero emissions in the second half of the century;
 - (ii) limit global temperature increases to 'well under' 2 degrees and 'pursue efforts' to limit global temperature increases to 1.5 degrees; and

- (iii) review progress against these goals in 2018 and every five years thereafter;
and
- (D) ask the Chief Executive Officer to review the City's current environmental policies in light of the new COP21 agreement and recent achievements, research and targets of other relevant cities to ensure the City continues to demonstrate environmental leadership.

COUNCILLOR CLOVER MOORE
Lord Mayor

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

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

Carried unanimously.

Business of which due notice had not been given

At this stage of the meeting, at 5.50pm, Councillor Mandla sought to introduce the following motion:

Archway 1 Theatre

It is resolved that:

(A) Council note:

- (i) on 4 December 2015, the City served an eviction notice upon the Occupants of Archway 1, 11-13 The Crescent, Annandale;
- (ii) the notice provides for seven days to deliver up vacant possession of the premises;
- (iii) the Occupants, Stephan Reich and Rachel Jordan, have operated the premises as (amongst other things) the Archway 1 Theatre Company and the Archway 1 Art Studio for over a decade;
- (iv) these initiatives are unincorporated associations operated on a not-for-profit basis. The operation of this site has been without incident;
- (v) the operation of the premises at this location is overwhelmingly in the public interest. There is broad community support for its operation;
- (vi) the operation of this initiative provides activity and community engagement in this area of the LGA. Should this cease, it is easily conceivable that it would revert to a homeless enclave not dissimilar to Wentworth Park;
- (vii) the legal basis of the occupancy at this time appears ambiguous. A licence agreement exists, but has not been executed by Council. It is possible a deemed lease or licence may exist;
- (viii) the conduct of this matter appears to be arbitrary, unfair and does not seem to have afforded the users of this space natural justice;
- (ix) upon attendance and inspection, fire services in the premises appear to be satisfactory. No other obvious hazards were in evidence; and
- (x) the balance of convenience lies in the continued operation of the premises until 31 July 2016, until consultation and consideration of the premises can be undertaken and the legal nature of the occupancy determined, and community consultation undertaken; and

(B) the Chief Executive Officer be requested to:

- (i) extend the tenure of the premises until 31 July 2016, allowing operation in its current form;
- (ii) serve notice upon the Occupants to this effect; and
- (iii) undertake an assessment of the premises and undertake community consultation to determine the best use of the premises.

It was then moved by Councillor Mandla, seconded by Councillor Scott -

That the proposed motion, of which due notice had not been given, be considered at this meeting of Council.

Carried.

Note. Pursuant to the provisions of Clause 241(3) of the Local Government (General) Regulation 2005, the Chair (the Lord Mayor) ruled that this matter be dealt with as a matter of urgency at this meeting of Council.

At this stage of the meeting, at 6.10pm, consideration of this matter was deferred to allow the CEO to obtain legal advice from staff on the content of the proposed motion (see page 2545).

ITEM 4 MEMORANDA BY THE CHIEF EXECUTIVE OFFICER

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

ITEM 5 MATTERS FOR TABLING

5.1 Disclosures of Interest

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

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

Carried.

5.2 Petitions and Correspondence

(a) The Residence Hyde Park

The following petition, of which notice was given by Councillor Scott, was laid on the table:

“City of Sydney Council
Attention Clover Moore, Lord Mayor of Sydney

Following the recent changes by NSW Roads and Maritime Services (RMS), which will effectively remove 6 car spaces from the section of College Street in front of ‘The Residence Hyde Park’ building between Francis and Stanley Streets, we feel that council should improve parking in the surrounding streets.

To assist large vehicle access necessary to service the residents of 18 College St, Darlinghurst we hereby request the removal or relocation of the two ‘Go Get’ private parking spaces in Francis and Stanley Streets (at the corner of College Street).

The removal of these designated spaces will assist large vehicles to make removals and deliveries of furniture (particularly during relocations), service the (soon to be) Restaurant and Tea House retail areas on the ground floor and also accommodate visitors parking.”

Moved by Councillor Scott, seconded by Councillor Doutney –

It is resolved that the petition be received and noted.

Carried.

(b) NSW State Emergency Service

The Certificate of Appreciation awarded to the City of Sydney Council “For your ongoing support in 2015”, of which notice was given by Councillor Scott, was laid on the table.

Moved by Councillor Scott, seconded by Councillor Doutney –

It is resolved that the Certificate of Appreciation be received and noted.

Carried.

(c) Proposed Parking Changes to Area 15

At the meeting of Council, Councillor Green tabled a petition from residents of Area 15, asking the Sydney City Council to not change any of the existing parking time limits and hours of operation in Parking Area 15.

Moved by Councillor Green, seconded by Councillor Kemmis –

It is resolved that the petition be received and noted.

Carried.

(d) No Business in Abuse

At the meeting of Council, Councillor Doutney tabled a petition, containing 253 signatures, from concerned members of the community calling on their local council to join them in demanding an end to Broadspectrum (formerly Transfield Services) and their security subcontractor, Wilson Security's business in abuse.

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

It is resolved that the petition be received and noted.

Carried.

ITEM 6 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 7 DECEMBER 2015

PRESENT

Councillor Robyn Kemmis
(Deputy Chair)

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

At the commencement of business at 2.03pm those present were -

Councillors Green, Kemmis, Kok, Mandla, Mant, Scott and Vithoukaskas.

Councillor Forster arrived at the meeting of the Corporate, Finance, Properties and Tenders Committee at 2.04pm at the conclusion of discussion on Item 6.1.

Apologies

The Chair (the Lord Mayor) extended her apologies for her inability to attend the meeting of the Corporate, Finance, Properties and Tenders Committee as she was attending events associated with the United Nations Convention on Climate Change in Paris.

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

Moved by Councillor Kemmis, seconded by Councillor Scott –

That the apologies from the Chair (the Lord Mayor) and Councillor Doughty be accepted and leave of absence from the meeting be granted.

Carried unanimously.

Order of Business

The Corporate, Finance, Properties and Tenders Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Items 6.26 and 6.27 (of the Economic Development and Business Sub-Committee) be brought forward and dealt with before Item 6.2.

Sub-Committee

The meeting of the Economic Development and Business Sub-Committee, with Councillor Vithoukaskas as Deputy Chair, commenced at 2.05pm.

Closed Meeting

At 3.07pm, at the conclusion of discussion and voting on Item 6.27 (of the Economic Development and Business Sub-Committee), which had been brought forward, the Corporate, Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss confidential matters relating to Item 6.26 on the agenda.

Open Meeting

At 3.28pm, the meeting of the Corporate, Finance, Properties and Tenders Committee was reopened to the public.

Adjournment

At 3.29pm, it was moved by Councillor Kemmis, seconded by Councillor Scott –

That the meeting of the Corporate, Finance, Properties and Tenders Committee be adjourned for approximately 10 minutes.

Carried.

At the resumption of the meeting of the Corporate, Finance, Properties and Tenders Committee at 3.40pm, those present were –

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

Order of Business

At a later stage of the meeting, at 3.41pm, the Corporate, Finance, Properties and Tenders Committee agreed, for the convenience of the public present, that the Order of Business be altered such that the Item 6.6 be brought forward and dealt with before Item 6.2.

The meeting of the Corporate, Finance, Properties and Tenders Committee and its Sub-Committee concluded at 4.46pm.

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 7 December 2015 be received, and the recommendations set out below for Items 6.2, 6.3, 6.7 to 6.21 inclusive and 6.23 to 6.25 inclusive be adopted, with Item 6.1 being noted, and Items 6.4, 6.5, 6.6 and 6.22 being dealt with as shown immediately following those items.

Carried unanimously.

ITEM 6.1**DISCLOSURES OF INTEREST**

Councillor Angela Vithoukas disclosed a less than significant, non-pecuniary interest in Item 6.23 on the agenda, in that she does business with the parent company of one of the tenderers.

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

PUBLIC PRESENTATION OF THE 2014/15 FINANCIAL STATEMENTS AND AUDITOR'S REPORTS (S115002.001)

It is resolved that Council:

- (A) present the 2014/15 Annual Financial Statements and auditor's reports to the public; and
- (B) adopt the 2014/15 Annual Financial Reports, subject to the receipt of any submissions over the ensuing seven day period.

Carried unanimously.

ITEM 6.3

INVESTMENTS HELD AS AT 30 NOVEMBER 2015 (S034147)

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

Carried unanimously.

ITEM 6.4

GRANT OF EASEMENT - CITY WEST HOUSING - 3 JOYNTON AVENUE ZETLAND (S071342)

It is resolved that:

- (A) Council grant an easement for access and in favour of Lot 1 in Deposited Plan 1174641 being land owned by City West Housing Pty Limited over Lot 2 in Deposited Plan 1174641 being land owned by the City;
- (B) Council accept the compensation amount of \$58,000 plus GST as supported by valuation and all reasonable costs to be paid by City West Housing prior to registration of the easement;
- (C) the compensation received from the grant of easement be reserved for the creation or funding of further affordable housing opportunities within the City of Sydney; and
- (D) authority be delegated to the Chief Executive Officer to finalise all negotiations including any amendments to the terms of the easement and enter into any documentation required to the grant of easement.

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.

Carried unanimously.

ITEM 6.5**LEASE RENEWAL TO KAPLAN PTY LTD LEVEL 8, 540 GEORGE STREET, SYDNEY (S098637)**

It is resolved that:

- (A) Council approve the granting of a lease to Kaplan Pty Ltd, on the essential terms and conditions set out in confidential Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to finalise the terms of the lease, and authorise its execution on behalf of the Council.

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

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

The motion was carried on the following show of hands –

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

Noes (1) Councillor Scott.

Motion carried.

ITEM 6.6**TENDER – 74-76 OXFORD STREET - UPPER LEVELS FLOOR AND ROOF STRUCTURAL UPGRADE WORKS (X002477)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for 74-76 Oxford Street - upper levels floor and roof structural upgrade works;
- (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 bringing forward of funds from future years' estimates for the Oxford Street Activation Project, as outlined in confidential Attachment A to the subject report, and the allocation of the required proportion of this amount to the 74-76 Oxford Street upgrade works.

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

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

Carried unanimously.

Speakers

Mr Zev Bianchi addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.6.

ITEM 6.7

TENDER - 98 OXFORD STREET - SHOPFRONT AND INTERNAL MAKE GOOD WORKS (X002471)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for 98 Oxford Street – shopfront and internal make good works;
- (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 bringing forward of funds from future years' estimates for the Oxford Street Activation Project, as outlined in confidential Attachment A to the subject report, and the allocation of the required proportion of this amount to the 98 Oxford Street works.

Carried unanimously.

ITEM 6.8

TENDER - FOLEY STREET RETAIL UPGRADE AND ASSOCIATED ESSENTIAL SERVICES (X002483)

It is resolved that:

- (A) Council reject the tenders received for Foley Street retail upgrade and associated essential services works for the reasons set out in confidential Tender Evaluation Summary, Attachment A to the subject report;
- (B) Council not invite fresh tenders as it is considered that inviting fresh tenders would not attract additional suitable contractors over and above those that have responded to this tender;
- (C) Council approve the bringing forward of funds from future years' estimates for the Oxford Street Activation Project, as outlined in confidential Attachment A to the subject report, and the allocation of the required proportion of this amount to the Foley Street retail upgrade;
- (D) in accordance with section 55(3)(i) of the Local Government Act, due to extenuating circumstances, being the unavailability of tenderers, authority be delegated to the Chief Executive Officer to enter into negotiations and contracts with a suitably qualified contractor to undertake the scope of works and execute and administer the contracts relating to the works; and
- (E) Council be informed of the successful contractor by way of a CEO Update.

Carried unanimously.

ITEM 6.9**TENDER - ARGYLE STREET UPGRADE – KENT STREET TO LOWER FORT STREET, MILLERS POINT SYDNEY (S110346)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Argyle Street upgrade – Kent Street to Lower Fort Street, Millers Point Sydney;
- (B) authority be delegated to the Chief Executive Officer (CEO) to negotiate, execute and administer the contracts relating to the tender, including staging of the construction works;
- (C) Council approve the bringing forward of funds from the project's future year estimates, as outlined in confidential Attachment C to the subject report;
- (D) Council endorse additional scope of works in Argyle Place, as described in the subject report, for community consultation; and
- (E) authority be delegated to the CEO to finalise the license agreement with the State Transit Authority.

Carried unanimously.

ITEM 6.10**TENDER – FRASER FOUNTAIN RESTORATION WORKS (S065605.001)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the Fraser Fountain restoration works for the duration of the contract;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) Council approve a transfer of budget from the 2015/16 Capital Works Contingency to accommodate the additional funding requirements as set out in confidential Attachment A to the subject report.

Carried unanimously.

ITEM 6.11**TENDER - CBD LANEWAYS REVITALISATION - HOSKING PLACE AND PENFOLD LANE, SYDNEY (S103774)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for CBD Laneways Revitalisation – Hosking Place and Penfold Lane; 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 – THOMAS STREET, HAYMARKET, CATENARY ART WORK (\$100837)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Thomas Street, Haymarket, catenary art work; 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 – CITY RECITAL HALL – CHILLER UPGRADE PROJECT (\$123367)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the City Recital Hall – chiller upgrade 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 6.14

TENDER - PREVENTATIVE AND REACTIVE MAINTENANCE SERVICES FOR BOOM GATES, AUTOMATIC DOORS AND GATES AND ROLLER SHUTTERS (\$072015.033)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'D' for preventative and reactive maintenance services for boom gates, automatic doors and gates and roller shutters service contract for three years, with the option of an extension of two years, if appropriate;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

ITEM 6.15**TENDER – SUPPLY AND DELIVERY OF TRUCK MOUNTED ELEVATING WORK PLATFORM (S055345)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the supply and delivery of one truck mounted elevating work platform; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

ITEM 6.16**TENDER - LIGHTING OF THE SYDNEY HARBOUR BRIDGE AND CIRCULAR QUAY BUILDINGS FOR THE 2016 AND 2017 SYDNEY CHINESE NEW YEAR FESTIVALS (S125686.010)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for lighting of the Sydney Harbour Bridge and Circular Quay building for the 2016 and 2017 Sydney Chinese New Year Festivals for a period of two years, contingent on the City executing the sponsorship agreement with the principal sponsor; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

ITEM 6.17**TENDER – SUPPLY OF OVERSEAS NEWSPAPERS (S093938)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the supply of overseas newspapers for a period of three years, with the option of one extension for a further two year period, based on the schedule of rates set out at confidential Attachment A to the memo dated 7 December 2015 from the Director City Life and circulated prior to the meeting of the Corporate, Finance, Properties and Tenders committee, 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 option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

ITEM 6.18

TENDER – SUPPLY, PROCESSING AND ACCESSIONING OF SERIALS (MAGAZINES AND ANNUALS) (S093938)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the supply, processing and accessioning of serials for a period of three years, with the option of one extension for a further two year period, based on the schedule of rates set out at confidential Attachment A to the memo dated 7 December 2015 from the Director City Life and circulated prior to the meeting of The Corporate Finance Properties and Tenders Committee, 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 option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

ITEM 6.19

TENDER - SELECTION, SUPPLY AND SHELF READY PROCESSING OF LIBRARY MATERIALS (S093938)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the selection, supply and shelf ready processing of library materials for a period of three years, with the option to extend for a further two years, based on the schedule of rates set out at confidential Attachment A to the memo dated 7 December 2015 from the Director City Life and circulated prior to the meeting of the Corporate, Finance, Properties and Tenders Committee, 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 option referred to in clause (A), if appropriate, and negotiate the price to apply to extend the contract accordingly.

Carried unanimously.

ITEM 6.20

CANCELLATION OF TENDER - COMMUNITY CENTRE UPGRADES - RON WILLIAMS, REGINALD MURPHY AND CLIFF NOBLE (X001990)

It is resolved that:

- (A) Council cancel Tender 1554 for Community Centre Upgrades – Ron Williams, Reginald Murphy and Cliff Noble;
- (B) Council not invite fresh tenders on the basis that it is unlikely a more satisfactory result would be achieved;
- (C) in accordance with section 55(3)(i) of the Local Government Act that due to extenuating circumstances, being the unavailability of tenderers, authority be delegated to the Chief Executive Officer to enter into negotiations and contracts with suitably qualified contractors to undertake the scope of works; and
- (D) Council be informed of the successful contractor by the CEO Update.

Carried unanimously.

ITEM 6.21

CANCELLATION OF TENDER - CUSTOMS HOUSE LIFTS UPGRADE (S126767)

It is resolved that:

- (A) Council cancel Tender 1569 for Customs House lift upgrade; and
- (B) Council will invite fresh tenders based on a post review of the scope of works.

Carried unanimously.

ITEM 6.22

EXEMPTION FROM TENDER - NON-RESIDENTIAL REGISTER AND ROLLS OCCUPIER CONTACT (2015/619951)

It is resolved that:

- (A) Council approve exemption from tender for the provision of services which enable direct contact with all occupiers of business-rated properties in the City of Sydney in accordance with section 55, Chapter 6, Part 3 of the Local Government Act 1993, as only one service provider has been identified and the timeframe for the direct contact to commence does not allow for a tender to be undertaken;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a contract with the organisation nominated in confidential attachment A to the subject report for the provision of services which enable direct contact with all occupiers of business-rated properties in the City of Sydney;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer variations to the contract, if required;
- (D) authority be delegated to the Chief Executive Officer to make minor amendments reflecting the changes referred to in the subject report to the methodology adopted by Council on 10 August 2015, with the amended methodology to be reported back to Councillors by way of CEO Update; and

- (E) Council note the financial implications detailed in confidential Attachment A to the subject report.

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

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

Carried unanimously.

ITEM 6.23

EXEMPTION FROM TENDER - GREEN SQUARE WATER REUSE STAGE 2 EXPRESSION OF INTEREST (S116501.004)

It is resolved that:

- (A) Council grant an exemption from tender for the provision of water utility services in the greater Green Square urban renewal area in accordance with section 55(3)(i) of the Local Government Act 1993;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders because the expression of interest process indicated that Council would not receive competitive tenders that comply with the City's preferred delivery model;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with Company 'C', identified in confidential Attachment A, using its submitted response to the expression of interest as a benchmark; and
- (D) the Chief Executive Officer report back to Council on the results of the negotiation by mid-2016.

Carried unanimously.

ITEM 6.24

EXEMPTION FROM TENDER - VARIATION TO UTILITIES MANAGEMENT INFORMATION SYSTEM LICENCE CONTRACT (S085484)

It is resolved that:

- (A) in accordance with section 55(3)(i) of the Local Government Act 1993, as a result of extenuating circumstances, Council endorse the variation to the existing service contract for an expanded scope of services up to the amount indicated in confidential Attachment C to the subject report;
- (B) Council note that the reason a satisfactory result will not be achieved by inviting tenders is that the administration support and system improvement services required can only be practically provided by the current platform developer and hosting manager; and

- (C) authority be delegated to the Chief Executive Officer to finalise the terms of the contract variation and authorise its execution on behalf of the Council.

Carried unanimously.

ITEM 6.25

EXEMPTION FROM TENDER - RELOCATION OF FIBRE CABLES BY OPTUS FOR NEW INTERSECTION OF GEDDES AVENUE AT BOTANY ROAD (S105612)

It is resolved that:

- (A) Council approve an exemption from inviting tenders for the relocation of fibre cables by Optus for the new intersection of Geddes Avenue at Botany Road, in accordance with section 55(3)(i) of the local Government Act 1993, as a result of following extenuating circumstances:
- (i) Optus Billing Services Pty Ltd, as the asset owner of the subject cables, has determined the works to be non-contestable and prohibited any other entity to carry out the works;
 - (ii) Optus Billing Services Pty Ltd has detailed knowledge of the risks involved in carrying out their relocation and ability to mitigate them by carrying out the works through their accredited contractors under their direct supervision; and
 - (iii) Optus Billing Services Pty Ltd has informed that, even though the subject works are non-contestable, Optus invited quotes from the pool of their accredited contractors and have selected the most competitive contractor to perform the works;
- (B) Council approve funds to be brought forward from the future years' estimates for the project as outlined in Confidential Attachment A to the subject report;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a contract with Optus; and
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer variations to the contract with Optus, if required.

Carried unanimously.

Report of the Economic Development and Business Sub-Committee

Moved by Councillor Vithoukias seconded by Councillor Green –

That the report of the Economic Development and Business Sub-Committee of its meeting of 7 December 2015 be received and the recommendation set out below for Item 6.27 be adopted, with Item 6.26 being dealt with as shown immediately following that item.

Carried unanimously.

The Sub-Committee recommended the following:

ITEM 6.26**VILLAGE BUSINESS GRANT PROGRAM 2015/16 - ROUND TWO ALLOCATION (S076576)**

The Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter be deferred to the meeting of Council on 14 December 2015.

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

It is resolved that:

- (A) Council approve cash grant and value in kind (VIK) recommendations for 2015/2016 and 2016/2017 under the Village Business Grant Program - Round 2 listed as follows:

Applicant	Amount Recommended (Excl GST)	VIK Recommended	Conditions
Glebe Chamber of Commerce	\$60,000	Nil (Not requested)	Project 1 - No further funding to be provided for website development. Project 3 - Applicant to submit a revised timeline and event management plan.
Haymarket Chamber of Commerce	Year 1 - \$69,600 Year 2 - \$69,600	Nil (Not requested)	Project 1 – A professional event organiser must be engaged to support the delivery of the event. If the event is not accepted as an 'Associated Event' of Vivid, then the recipient may resubmit a proposal for supporting an event of similar scale, outcome and engagement.
Pyrmont Ultimo Chamber of Commerce	\$49,000	Nil (Not requested)	Project 1 – Funding not to be used for stakeholder meetings. Project 4 – Funding not to be used for newspaper insert.

Applicant	Amount Recommended (Excl GST)	VIK Recommended	Conditions
South Sydney Business Chamber	\$74,500	Year 1 – Banner pole hire up to the value of \$4,000	Project 2 – Funding for six forums only (three in each precinct).

- (B) Council allocate an additional amount up to \$10,000 to the Pyrmont Ultimo Chamber of commerce towards the design, content production and editorial support for Projects 2 and 3 – the precinct dining guide and the ‘Where the locals go’ guide – subject to the provision of a detailed and complete project plan and project budget (including all revenue and expenditure) for both the newspaper insert and the pocket guides;
- (C) Council allocate up to \$10,000 cash and up to \$28,500 value in kind (for waiver of parking fees) to Glebe Chamber of Commerce for an extension of the Parklet project pilot for 12 months (Project 4); subject to the completion and review of the current trial demonstrating the success, community and business support, the financial viability of the project and a detailed project plan including timelines, required approvals and budget. Council note that, in approving this project, the Council is removing one parking space in the precinct for up to 12 months;
- (D) Council allocate up to \$10,200 to South Sydney Business Chamber for an additional four networking events, subject to the six recommended events (Project 2) being achieved and a detailed budget for the additional four being provided upon request for these funds to be released;
- (E) Council note that all grant amounts are exclusive of GST and that there are adequate funds available to cover the additional projects and/ or project costs outlined in this memo;
- (F) Council note that staff will meet with the South Sydney Business Chamber to assist with the development of a project plan and assessment of the demand for and proposed outcomes for project 3 - Two visitation events - for consideration at a later stage;
- (G) Council note that staff are meeting with the Haymarket Chamber of Commerce to develop the second phase of project 3 – Next Generation – to extend the on-line reach and presence of the Chamber; and
- (H) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts with the organisations listed in clauses (A) to (D) above under terms and conditions consistent with the Grants and Sponsorship Policy, subject to the satisfactory acquittal of current grants.

Amendment. Moved by Councillor Mandla, seconded by Councillor Forster –

That the motion be amended, in clause (H), by the addition of the following words:

and to work with each organisation to get them up to \$80,000 on mutually agreeable projects.

The amendment was lost on the following show of hands –

Ayes (3) Councillors Doutney, Forster and Mandla.

Noes (7) The Lord Mayor, Councillors Green, Kemmis, Kok, Mant, Scott and Vithoukas.

Amendment lost.

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.

Speakers

Mr Simon Chan, Mr Kris Spann and Mr Lawrence Gibbons addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.26

ITEM 6.27

SPONSORSHIP - FASHION WEEK AUSTRALIA, FASHION WEEKEND EDITION AND FASHION TRADE SHOWS PRODUCED BY INTERNATIONAL MANAGEMENT GROUP (IMG) (\$104486.009)

It is resolved that:

- (A) Council approve cash sponsorship of \$85,000 (excluding GST) per annum in 2016, 2017 and 2018 in support of Mercedes Benz Fashion Week Australia and Mercedes-Benz Fashion Weekend Edition and, from 2017, Trade Show;
- (B) Council approve value-in-kind sponsorship of up to \$70,000 (excluding GST) per annum for use of Council-owned civic spaces including Pitt Street Mall, Martin Place, QVB forecourt and other locations in 2016, 2017 and 2018 in support of Mercedes Benz Fashion Week Australia and Mercedes-Benz Fashion Weekend Edition and, from 2017, Trade Show; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and enter into a sponsorship agreement with International Management Group of America Pty Ltd (trading as IMG Fashion) in support of these fashion events in 2016, 2017 and 2018.

Carried unanimously.

Speakers

Ms Emily Weight addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.27.

Order of Business

At this stage of the meeting, at 6.55pm, in accordance with Clause 239(2) of the Local Government (General) Regulation 2005, Council resolved that the Order of Business be altered such that Notice of Motion, Item 16.5, be brought forward and dealt with before Item 7.

ITEM 16 NOTICES OF MOTION

FIG AND WATTLE STREET DEPOT (S103133)

5. Moved by Councillor Scott, seconded by Councillor Forster -

It is resolved that:

(A) Council note:

- (i) on 8 December 2014, Council resolved to sell the former Fig and Wattle Streets Depot site to the NSW Department of Education and Communities, subject to the construction of a public primary school and an 80-place child care facility on the site;
- (ii) on 15 December 2014, the NSW Department of Education and Communities issued a press release stating that “agreement has been reached for a new public school serving the inner city to be built on a site to be purchased from the City of Sydney on the corner of Wattle, Jones and Fig Streets, Ultimo”;
- (iii) the NSW Department of Education has indicated that they will now no longer proceed with construction of a public primary school site on the former Fig and Wattle Streets Depot site, despite the long-overdue demand by the local community for primary school places in the Ultimo area; and
- (iv) the Council has a significant surplus and, as such, is in an adequate financial position to propose the sale of the site to the NSW Department of Education to facilitate the provision of school facilities in Ultimo;

(B) Council rescind the section of the resolution of 8 December 2014 detailing the sale price of \$74 million (excluding GST) to the NSW Department of Education and Communities, and indicate its strong willingness to resolve and finalise the sale of the former Fig and Wattle Streets Depot site;

(C) the Chief Executive Officer be requested to prepare the required documentation to sell the Fig and Wattle Street Depot to the NSW State Government on the basis the site is used to build a new state primary school and childcare centre;

(D) the Lord Mayor be delegated to commence negotiations with the NSW Government for the sale of the Fig and Wattle Street Depot for the provision of school and childcare facilities in Ultimo, noting that the proposed final sale price would need to be brought before Council for approval; and

(E) the Lord Mayor report back to Councillors at the earliest opportunity on the outcome of negotiations.

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

That the motion be amended, such that it read as follows –

It is resolved that:

(A) Council note:

- (i) on 8 December 2014, Council resolved to sell the former Fig and Wattle Streets Depot site to the NSW Department of Education and Communities for \$74 million and strata dedication to the City of an 80 place childcare centre, a reduction from the original \$82.5 million, subject to the construction of a public primary school and an 80-place child care facility on the site;
- (ii) on 12 December 2014, the Minister for Education wrote to the Lord Mayor confirming the Department of Education's acceptance of the proposed purchase price of \$74 million with conditions, including access arrangements; and
- (iii) on 12 June 2015, the NSW Department of Education wrote to the City advising they were rescinding their offer and would no longer proceed with construction of a public primary school site on the former Fig and Wattle Streets Depot site, despite the long-overdue demand by the local community for primary school places in the Ultimo area;

(B) Council reiterate its strong willingness to complete the sale of the former Fig and Wattle Streets Depot site for a new public primary school and childcare facilities, or to support a range of other uses, including childcare and education; and

(C) the Chief Executive Officer report back to Councillors at the earliest opportunity on the outcome of the work currently underway to appoint an Environmental Protection Authority Accredited site auditor to advise on and oversee the preparation of a Remediation Action Plan that could support the sale of the Fig and Wattle Streets Depot to the NSW State Government.

Foreshadowed Amendment. Councillor Mandla foreshadowed that he would move the following amendment, should Councillor Kemmis's amendment be carried:

That, in clause (B), the words "for \$50 million" be inserted after the word "sale".

Following discussion, Councillor Kemmis, with the consent of the seconder of the amendment, varied the amendment such that it read as follows:

It is resolved that:

(A) Council note:

- (i) on 8 December 2014, Council resolved to sell the former Fig and Wattle Streets Depot site to the NSW Department of Education and Communities for \$74 million and strata dedication to the City of an 80 place childcare centre, a reduction from the original \$82.5 million, subject to the construction of a public primary school and an 80-place child care facility on the site;

- (ii) on 12 December 2014, the Minister for Education wrote to the Lord Mayor confirming the Department of Education's acceptance of the proposed purchase price of \$74 million with conditions, including access arrangements; and
 - (iii) on 12 June 2015, the NSW Department of Education wrote to the City advising they were rescinding their offer and would no longer proceed with construction of a public primary school site on the former Fig and Wattle Streets Depot site, despite the long-overdue demand by the local community for primary school places in the Ultimo area;
- (B) Council reiterate its strong willingness to complete the sale of the former Fig and Wattle Streets Depot site for a new public primary school and childcare facilities, or to support a range of other uses, including childcare and education; and
 - (C) the Chief Executive Officer report back to Councillors at the earliest opportunity on the outcome of the work currently underway to appoint an Environmental Protection Authority Accredited site auditor to advise on and oversee the preparation of a Remediation Action Plan that could support the sale of the Fig and Wattle Streets Depot to the NSW State Government;
 - (D) the Lord Mayor be delegated to commence negotiations with the NSW Government for the sale of the Fig and Wattle Street Depot for the provision of school and childcare facilities in Ultimo, noting that the proposed final sale price would need to be brought before Council for approval;
 - (E) the Lord Mayor report back to Councillors at the earliest opportunity on the outcome of negotiations; and
 - (F) the Lord Mayor invite the Minister to brief Councillors on his plans to provide for the education of primary and secondary school children in the inner city area, not only on this site, but other sites in the Local Government Area, particularly Green Square.

Councillor Scott accepted Councillor Kemmis's amendment as a variation to her motion.

Councillor Mandla did not move his foreshadowed amendment.

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

Adjournment

At this stage of the meeting, at 7.35pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kemmis –

That the meeting be adjourned for a short break.

Carried.

At the resumption of the meeting of Council, at 7.59pm, those present were –

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

ITEM 7 REPORT OF THE ENVIRONMENT COMMITTEE - 7 DECEMBER 2015

PRESENT

The Deputy Lord Mayor Councillor Robyn Kemmis
(Chair)

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

At the commencement of business at 4.50pm those present were -

Councillors Green, Kemmis, Kok, Mant, Scott and Vithoulkas.

Councillors Forster and Mandla arrived at the meeting of the Environment Committee at 4.51pm prior to discussion on Item 7.4, which had been brought forward.

Councillor Scott left the meeting of the Environment Committee at 4.56pm, prior to discussion on Item 7.2, and returned at 5.00pm, at the conclusion of discussion on Item 7.2. Councillor Scott was not present at, or in sight of, the meeting of the Environment Committee during discussion and voting on Item 7.2.

Apologies

The Chair (the Lord Mayor) extended her apologies for her inability to attend the meeting of the Environment Committee as she was attending events associated with the United Nations Convention on Climate Change in Paris.

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

Moved by Councillor Kemmis, seconded by Councillor Scott –

That the apologies from the Chair (the Lord Mayor) and Councillor Doutney be accepted and leave of absence from the meeting be granted.

Carried unanimously.

Order of Business

The Environment Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Item 7.4 be brought forward and dealt with before Item 7.2.

The meeting of the Environment Committee concluded at 5.15pm.

Report of the Committee

Moved by Councillor Kemmis, seconded by Councillor Doutney -

That the report of the Environment Committee of its meeting of 7 December 2015 be received, and the recommendations set out below for Items 7.4, 7.5, 7.7 to 7.10 inclusive and the alternative recommendation for Item 7.6, be adopted, with Item 7.1 being noted, and Items 7.2 and 7.3 being dealt with as shown immediately following those items.

Carried unanimously.

ITEM 7.1**DISCLOSURES OF INTEREST**

Councillor Linda Scott disclosed a significant, non-pecuniary interest in Item 7.2 on the agenda in that she is employed by the University of Sydney, which is a recommended grant recipient. Councillor Scott stated that she would not be present for discussion or voting on Item 7.2.

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**2015/16 ENVIRONMENTAL PERFORMANCE GRANT PROGRAMS – FIFTH ALLOCATION (S087106)**

It is resolved that:

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

Applicant	Project Name	Project Description	\$ Amount Recommended	Conditions
University Of Sydney	Challenging lease agreements in Australia: quantifying the effects of higher temperature set points on office workers productivity and thermal comfort.	A feasibility study investigating the relationship between productivity, thermal comfort in office buildings and energy efficiency.	\$20,000 (exclusive of GST)	Nil
Strata Plan 73502	Aria Apartments Solar PV Project	A demonstration project Installing a 19.6 kilowatt solar photovoltaic system to power common building areas of 5 Potter Street, Waterloo.	\$26,000 (exclusive of GST)	Organisation to submit revised Communications Plan.

Applicant	Project Name	Project Description	\$ Amount Recommended	Conditions
University Of Sydney	Energy savings in commercial buildings using real-time pervasive monitoring of Indoor Environmental Quality performance	A demonstration project using measurement stations to measure office building energy consumption in the provision of occupant comfort and indoor environmental quality.	\$60,000 (exclusive of GST)	Organisation to work with City Sustainability Programs Unit to determine which local buildings are best suited to host measurement stations.

- (B) Council approve the following cash grant recommendations for 2015/16 under the Environmental Performance - Building Operations Grant Program – Fifth Allocation:

Applicant	Project Name	Project Description	\$ Amount Recommended	Conditions
Strata Plan 30102	Water sub-metering	Installation of water sub-meters at 2 Springfield Avenue, Potts Point.	\$3,245 (exclusive of GST)	Nil
Regis Towers 56443	Water sub-metering	Installation of water sub-meters at 414-418 Pitt Street, Sydney.	\$5,000 (exclusive of GST)	Nil
Strata Plan 61131	Water sub-metering	Installation of water sub-meters at 102 Miller Street, Pymont.	\$750 (exclusive of GST)	Nil
Strata Plan 73502	Water sub-metering	Installation of water sub-meters at 5 Potter Street, Waterloo.	\$5,000 (exclusive of GST)	Nil

- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with the applicants approved for grants in clauses (A) and (B) 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 Kemmis, seconded by the Chair (the Lord Mayor) –

That the recommendation of the Environment Committee be adopted.

Carried unanimously.

ITEM 7.3**CLIMATE ADAPTATION STRATEGY – ADOPTION (S118585.003)**

It is resolved that Council:

- (A) note the Consultation Report from public exhibition of the draft Climate Adaptation Strategy, as shown at Attachment A to the subject report;
- (B) note the Schedule of Responses from public exhibition of the draft Climate Adaptation Strategy, as shown at Attachment B to the subject report;
- (C) adopt the Climate Adaptation Strategy, “Adapting for Climate Change – A long term strategy for the City of Sydney”, as shown at Attachment C to the subject report;
- (D) adopt the Appendix: City of Sydney Climate Risk and Adaptation Project Report by RPS and KPMG, as shown at Attachment D to the subject report;
- (E) adopt the Appendix: Citizens’ Panel Final Presentation, as shown at Attachment E to the subject report; and
- (F) note that, in the first sentence of paragraph 19(a) of the subject report, the temperature of 30 degrees Celsius should have read 3 degrees Celsius.

At the meeting of Council, it was moved by Councillor Kemmis, seconded by Councillor Doutney that the recommendation of the Environment Committee be adopted.

The motion was carried on the following show of hands:

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

Noes (1) Councillor Mandla.

Motion carried.

ITEM 7.4**CITY NORTH PUBLIC DOMAIN PLAN – ADOPTION (S121925)**

It is resolved that:

- (A) Council adopt the City North Public Domain Plan with amendments, as shown at Attachment A to the subject report, as a guiding document to inform capital works planning, planning proposals, development applications and Voluntary Planning Agreement negotiations;
- (B) authority be delegated to the Chief Executive Officer to make minor amendments to the adopted City North Public Domain Plan as required; and

- (C) Council endorse the Preliminary Implementation Plan and Financial Estimates outlined in confidential Attachment C to the subject report to inform scope and implementation of current and future Voluntary Planning Agreements, future capital works by the City, and project co-ordination with Transport for NSW and other State Agencies.

Carried unanimously.

Speakers

Ms Andrea Roberts addressed the meeting of the Environment Committee on Item 7.4.

ITEM 7.5

CHINATOWN AND CITY SOUTH PUBLIC DOMAIN PLAN REVIEW 2015 – ADOPTION (S123893)

It is resolved that:

- (A) Council adopt the Chinatown and City South Public Domain Plan Review 2015 with amendments, as shown at Attachment B to the subject report, as a guiding document to inform future capital works planning, project implementation, co-ordination and public domain delivery by developers and other agencies;
- (B) Council endorse the Chinatown Public Art Plan as shown at Attachment D to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to approve the consolidation of the 2015 Review in clause (A) above with the previously endorsed 2010 Chinatown Public Domain Plan to create the Chinatown and City South Public Domain Plan 2015.

Carried unanimously.

ITEM 7.6

HYDE PARK PLAN OF MANAGEMENT AND MASTER PLAN AMENDMENT – ANZAC MEMORIAL CENTENARY PROJECT – ADOPTION (S042840-01)

It is resolved that:

- (A) Council adopt the Hyde Park Plan of Management and Master Plan Amendment with highlighted changes, as shown at Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a Memorandum of Understanding with the Trustees for the Anzac Memorial Building to clarify roles, responsibilities and costs for the ongoing operations of the new building and cascade water feature.

Note - the recommendation of the Environment Committee was not adopted. The following alternative recommendation was adopted (as contained in the memo dated 11 December 2015 from the Acting Director City Operations and circulated prior to the meeting).

It is resolved that:

- (A) Council endorse the Hyde Park Plan of Management and Master Plan Amendment with highlighted changes, as shown at Attachment A to the subject report to be submitted to the Minister for Lands and Water for adoption in accordance with the Crown Lands Act 1989;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a Memorandum of Understanding with the Trustees for the Anzac Memorial Building to clarify roles, responsibilities and costs for the ongoing operations of the new building and cascade water feature; and
- (C) Council note that the Minister may make amendments to the Hyde Park Plan of Management and Master Plan Amendment prior to adoption in accordance with the Crown Lands Act, and that authority be delegated to the Chief Executive Officer to include any such minor amendments in the document.

Carried unanimously.

ITEM 7.7

HYDE PARK IMPROVEMENT WORKS – PACKAGES 3 AND 4 (\$109306)

It is resolved that Council endorse the scope of works in Packages 3 and 4 for Hyde Park, which includes but is not limited to the developed design as described in the subject report and shown at Attachment C to the subject report, for progression to detailed design, seeking relevant planning approvals, documentation and tender for construction of the works.

Carried unanimously.

ITEM 7.8

BURTON AND PALMER STREETScape UPGRADE, DARLINGHURST (\$124102)

It is resolved that Council endorse the refined concept design for Burton and Palmer Streetscape Upgrade, Darlinghurst, as described in the subject report and shown at Attachment B to the subject report, for the purpose of proceeding with detail design and seeking any relevant planning approvals, documentation and tender for construction.

Carried unanimously.

ITEM 7.9

SMALL PARK UPGRADE – ELIZABETH MCCRAE PLAYGROUND (\$084390)

It is resolved that Council endorse the scope of work for improvements to Elizabeth McCrae Playground, as described in the subject report and shown in the revised concept design at Attachment C to the subject report, for progression to design development and preparation of construction documentation.

Carried unanimously.

ITEM 7.10

LAWSON STREET CYCLEWAY AND FOOTPATH IMPROVEMENTS (S118109)

It is resolved that Council:

- (A) endorse the concept design and scope of works for the Lawson Street cycleway and footpath improvements project, as described in the subject report and shown in the drawings at Attachment A to the subject report, for progression to design development, construction documentation and tender; and
- (B) note the estimated project costs as detailed in confidential Attachment B to the subject report.

Carried unanimously.

ITEM 8 REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 7 DECEMBER 2015**PRESENT**

The Deputy Lord Mayor Councillor Robyn Kemmis
(Chair)

Councillor Jenny Green
(Deputy Chair)

Councillors Christine Forster, Robert Kok, Edward Mandla, John Mant, Linda Scott and Angela Vithoukaskas.

At the commencement of business at 5.16pm those present were -

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

Apologies

The Chair (the Lord Mayor) extended her apologies for her inability to attend the meeting of the Environment Committee as she was attending events associated with the United Nations Convention on Climate Change in Paris.

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

Moved by Councillor Kemmis, seconded by Councillor Scott –

That the apologies from the Chair (the Lord Mayor) and Councillor Doughty be accepted and leave of absence from the meeting be granted.

Carried unanimously.

The meeting of the Cultural and Community Committee concluded at 5.20pm.

Report of the Committee

Moved by Councillor Green, seconded by Councillor Kemmis -

That the report of the Cultural and Community Committee of its meeting of 7 December 2015 be received, with Item 8.1 being noted, and the recommendations set out below for Items 8.2 to 8.4 inclusive being adopted.

Carried unanimously.

ITEM 8.1**DISCLOSURES OF INTEREST**

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

The Committee recommended the following:

ITEM 8.2**SPONSORSHIP – AUSTRALIAN OLYMPIC AND PARALYMPIC TEAMS 2016 (S117676)**

It is resolved that:

- (A) Council approve a \$60,000 (excluding GST) cash sponsorship to the Australian Paralympic Committee / Team in 2016;
- (B) Council approve the purchase of a table of 10 at The Prime Minister's 9th Olympic Dinner to be held in Melbourne on 18 June 2016 at a cost of \$30,000, of which \$3,000 (GST inclusive) is to be paid to the Australian Olympic Team Fund and \$27,000 is to be paid as a donation to the Australian Sports Foundation;
- (C) Council approve the cost of travel and accommodation for 10 people to attend the Prime Minister's 9th Olympic Dinner in Melbourne up to the value of \$12,000;
- (D) Council approve the hosting of three civic receptions;
- (E) Council approve the hosting of a media event for the Paralympic Team Uniform Launch by way of City of Sydney venue provision; and
- (F) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with the Australian Paralympic Committee.

Carried unanimously.

ITEM 8.3**GRANTS AND SPONSORSHIP – 2015/16 ANNUAL PROGRAMS ROUND TWO – REALLOCATION OF CULTURAL AND CREATIVE GRANTS AND SPONSORSHIP PROGRAM (S117676)**

It is resolved that:

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

Applicant	Project Name	Project Description	\$ Amount Recommended	Conditions
Queer Screen Limited	Reach Out Sydney	A series of free community events during the Mardi Gras Film Festival.	\$20,000 (excluding GST)	Nil
Youth Off The Streets Limited	Our City, Our Lens	A creative skills training program for at risk young people.	\$15,000 (excluding GST)	Nil

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

Carried unanimously.

ITEM 8.4

PUBLIC ART ADVISORY PANEL – REAPPOINTMENT OF MEMBERS (S054607)

It is resolved that:

- (A) Council reappoint the following members of the Public Art Advisory Panel for a further term of two years from 21 October 2015: Leon Paroissien, Judith Blackall, Felicity Fenner, Lisa Havilah, Richard Johnson, Janet Laurence and Anne Loxley;
- (B) Council note the updated Public Art Advisory Panel Terms of Reference as shown at Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to appoint replacement members within the two year period, in consultation with the Lord Mayor, and update the Terms of Reference for the Panel as required.

Carried unanimously.

ITEM 9 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 8 DECEMBER 2015

PRESENT

The Deputy Lord Mayor Councillor Robyn Kemmis
(Chair)

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

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

Councillors Doutney, Forster, Green, Kemmis, Kok, Mandla, Mant and Vithoulkas.

Councillor Scott arrived at the meeting of the Planning and Development Committee at 5.00pm, at the resumption of the meeting following its adjournment, having earlier conveyed her apologies for her anticipated late arrival at the meeting.

Apologies

The Chair (the Lord Mayor) extended her apologies for her inability to attend the meeting of the Planning and Development Committee as she was attending events associated with the United Nations Convention on Climate Change in Paris.

Moved by Councillor Kemmis, seconded by Councillor Mant -

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

Carried unanimously.

Adjournment

At 4.25pm, it was moved by Councillor Mant, seconded by Councillor Kemmis -

That the meeting of the Planning and Development Committee be adjourned to enable consideration of items by the Major Development Assessment and Development Assessment Sub-Committees, such items not to be considered prior to 5.00pm.

Carried.

At the resumption of the meeting of the Planning and Development Committee at 5.00pm, those present were:

Councillors Doutney, Green, Kemmis, Kok, Mant, Scott and Vithoulkas.

Councillor Forster returned to the meeting of the Planning and Development Committee at 5.01pm during discussion on Item 9.9, which had been brought forward.

Councillor Mandla returned to the meeting of the Planning and Development Committee at 5.02pm during discussion on Item 9.9.

Note – At the meeting of Council, Councillor Mandla advised that he was not present for voting on Item 9.8.

Sub-Committees

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

The Transport, Heritage and Planning Sub-Committee, with Councillor Mant as Deputy Chair, commenced at 4.05pm.

The Major Development Assessment Sub-Committee, with Councillor Kok as Deputy Chair, commenced at 6.32pm.

The Development Assessment Sub-Committee, with Councillor Mant as Deputy Chair, commenced at 5.00pm.

Order of Business

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

1. Disclosures of Interest
2. Green Square Update
3. Design Advisory Panel – Reappointment of Members
4. Traffic Treatments – Streetscape Improvements – Foveaux Street Surry Hills
5. Fire Safety Reports
9. Development Application: 251-255 Oxford Street Paddington – Paddington Reservoir Gardens
10. Development Application: 50 Bray Street Erskineville
11. Development Application: 304-310 Victoria Street Darlinghurst
12. Development Application: 145 Regent Street Chippendale
13. Development Application: 590-614 Bourke Street Surry Hills
14. Development Application: 160-166 Sussex Street Sydney
6. Development Application: 110-120 Kippax Street Surry Hills
7. Development Application: 58 Riley Street Darlinghurst
8. Development Application: 456 Kent Street Sydney – Installation of a Trigeration Plant on the Roof of Town Hall House

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 6.34pm.

ITEM 9.1

DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

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

At a later stage of the meeting, prior to discussion on Item 9.14 on the agenda, Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 9.14 in that he has acted for the educational institution, a party to the subject development application, in a legal capacity in the past and members of his family have also acted for the staff of the institution.

(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 8 December 2015 be received, with Item 9.1 being noted, the recommendations set out below for Items 9.2. and 9.5 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

GREEN SQUARE UPDATE (S100167)

It is resolved that Council note:

- (A) the minutes of the meeting of the Green Square Advisory Committee held on 17 September 2015, shown at Attachment A to the subject report;
- (B) the minutes of the meeting of the Green Square Advisory Committee held on 26 November 2015, shown at Attachment B to the subject report; and
- (C) that the City's Green Square projects, including the Library and Plaza, Aquatic Centre and Gunyama Park, other community facilities, parks and streetscapes are progressing.

Carried unanimously.

ITEM 9.3

DESIGN ADVISORY PANEL - REAPPOINTMENT OF MEMBERS (X002290)

It is resolved that:

- (A) Council reappoint the following members of the Design Advisory Panel for a further term of two years from 21 August 2015: Professor Ken Maher, Maria Atkinson, Kerry Clare, Professor Richard Johnson, Elizabeth-Ann McGregor, Peter Mould, Peter Poulet and Professor James Weirick;
- (B) Council appoint Professor Ken Maher as Chairperson of the Design Advisory Panel and Peter Mould as Deputy Chairperson for a term of two years; and

- (C) authority be delegated to the Chief Executive Officer, in consultation with the Lord Mayor, to appoint any new members of the Design Advisory Panel within the two year term.

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.

Carried unanimously.

Speakers

Mr Andrew Woodhouse and Mr Russell Paine addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.3.

ITEM 9.4

TRAFFIC TREATMENTS – STREETScape IMPROVEMENTS – FOVEAUX STREET SURRY HILLS (S123147)

The Transport, Heritage and Planning Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 14 December 2015.

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

It is resolved that:

- (A) Council endorse the traffic treatments and streetscape improvements proposed for Foveaux Street between Mary and Crown Streets, Surry Hills; and
- (B) the City work collaboratively with Roads and Maritime Services to explore additional treatments to further reduce vehicle speeds and enhance pedestrian safety and accessibility in Foveaux Street.

The motion was carried on the following show of hands –

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

Noes (1) Councillor Forster.

Motion carried.

ITEM 9.5

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 and C to the subject report;
- (C) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 2 Lee Street, Haymarket, as detailed in Attachment B; and
- (D) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 422 Sussex Street, Haymarket, as detailed in Attachment C.

Carried unanimously.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kok, seconded by Councillor Green -

That the report of the Major Development Assessment Sub-Committee of its meeting of 8 December 2015 be received, with the recommendation set out below for Items 9.6 and 9.7 being adopted, and Item 9.8 being dealt with as shown immediately following that item.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

ITEM 9.6

DEVELOPMENT APPLICATION: 110-120 KIPPAX STREET SURRY HILLS (D/2014/1615)

It is resolved that:

- (A) Council support the variations sought to Clause 4.3 'Height of buildings' and Clause 4.4 'Floor space ratio in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012;
- (B) Council waive the requirement for a competitive design process under Clause 6.21(5) in accordance with Clause 6.21(6) of the Sydney Local Environmental Plan 2012;
- (C) Council waive the requirement for the preparation of a development control plan under Clause 7.20(2) in accordance with Clause 7.20(3) of the Sydney Local Environmental Plan 2012;
- (D) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2014/1615, subject to the following:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(1) DESIGN MODIFICATIONS

The design of the building in the plans referred to in Condition (3) of this development consent must be modified as follows:

- (a) Apartment 3.02 and Apartment 3.03 and Apartment 4.02 and Apartment 4.03 must be amalgamated with a reconfigured layout as two 3 bedroom apartments.
- (b) The architectural expression of the lower ground floor level and ground floor car park level must be amended to improve the activation/visual interest of the building to the surrounding streets and achieve a better integration with the design of the upper levels of the building.
- (c) The commercial waste storage room at level 1 must be shown to be enclosed with a solid door.
- (d) The commercial and residential waste storage rooms at level 1 must be provided with mechanical ventilation either via risers to the roof level or to the Sophia Street facade of the building.
- (e) A waste storage room or cage measuring at least 8m³ for discarded bulky items must be provided in proximity to the commercial and residential waste storage rooms at level 1.
- (f) A storage cupboard must be provided with sufficient space for a 240L recycling receptacle in proximity to each of the waste chute hoppers located on each residential level between levels 2 to 7 inclusive.
- (g) The door swing to the western fire door stair on levels 2-6 inclusive must be reversed to what is shown on the plans.
- (h) The terrace to the apartment to the south-western corner of the building on levels 2-6 inclusive must be deleted. They must be replaced with a slot facing Kippax Street, in order to provide natural daylight and ventilation to the western lobby via a window, which must match the appearance of the slot to the eastern lobby. A replacement 8m² terrace, with a depth of 2 metres, must be provided to the south-western corner of each of the apartments referenced above, with the open plan living room and kitchen redesigned accordingly.
- (i) The studies to apartments 01, 03, 04, 05 must be deleted as they are not provided with natural light and ventilation. These areas may be replaced with study alcoves, which must not be enclosable, so that natural light and ventilation may be borrowed from adjoining rooms.
- (j) Details of the awning over Council's footpath above the Kippax Street entryway to the residential lobby must be shown in elevation and section to match that shown on the Level 1 floor plan.
- (k) The pergolas over the roof top garden must be shown as light-weight open structures and must not be enclosed in any fashion.

- (l) Detail demonstrating that accessible storage facilities (excluding kitchen cupboards and bedroom wardrobes) are provided within each apartment or within allocated areas at the ground floor level car parking facility in the following manner:
- (i) 6m³ for all 1 bedroom apartments;
 - (ii) 8m³ for all 2 bedroom apartments; and
 - (iii) 10m³ for all 3 bedroom apartments.

The details of the modifications, including precise architectural details, samples, finishes and materials are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the operation of this development consent.

(2) DESIGN DETAILS, MATERIALS AND SAMPLES BOARD

The alterations and additions to the building are to be constructed of high quality materials. The design details of the proposed building facades, including all external finishes, colours, glazing and a materials sample board, must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the operation of this development consent.

- (E) 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 by 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979;
- (F) 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
- (G) 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 as detailed in Part B (Conditions of Consent (Once Consent is Operational)), and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

PART B – CONDITIONS OF CONSENT (ONCE CONSENT IS OPERATIONAL)

Upon compliance with the conditions contained in Part A, the consent will become operative, subject to the following conditions, as may be amended by such other conditions that may arise as a result of compliance with conditions / information required in Part A:

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2014/1615 dated 22 October 2014 and the following drawings:

Drawing Number	Architect	Date
DA – 1101 C	Candalepas Associates	25 September 2015
DA – 1102 C	Candalepas Associates	25 September 2015
DA – 1103 C	Candalepas Associates	25 September 2015
DA – 1104	Candalepas Associates	25 September 2015
DA – 1201 C	Candalepas Associates	25 September 2015
DA – 1202 C	Candalepas Associates	25 September 2015
DA – 1301 C	Candalepas Associates	25 September 2015
DA – 1302 C	Candalepas Associates	25 September 2015
DA – 1303 C	Candalepas Associates	25 September 2015

and as amended by the deferred commencement Condition (1) and other conditions of this consent.

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

(2) 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	\$10,237.12
Public Domain	\$19,738.20
New Open Space	\$160,596.90
Accessibility	\$1,620.04
Management	\$1,751.64
Total	\$193,943.90

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.

(3) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 59.19 (AHD) to the roof of level 7, RL 59.59 (AHD) to the parapet of level 7 and RL 61.40 (AHD) to the top of the lift overrun.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(4) FLOOR SPACE RATIO

The following applies to Floor Space Ratio (FSR):

- (a) The FSR for the mixed use development must not exceed 5.07:1, calculated in accordance with Clause 4.4 of the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area is 3702.7 square metres.
- (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 the 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) REFLECTIVITY

The Certifying Authority must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20% prior to issue of the Construction Certificate.

(7) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels 2-7) 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 a residential flat building as defined in the 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 an apartment 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.

(8) 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.

(9) 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 apartments must have a minimum finished floor to ceiling height of not less than 2.7 metres, with the exception of Levels 4 and 5 which must not have a finished floor to ceiling height of less than 2.64 and 2.67 metres respectively.

(10) SWINGING DOORS OVER PUBLIC WAY

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

(11) SIGNS/GOODS IN THE PUBLIC WAY

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

(12) USE - SEPARATE DA REQUIRED

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

(13) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building for parking of vehicles related to residence in the apartment with which the space is associated or, in the case of the service vehicle space, a B99 service vehicle. No storage should take place for commercial businesses in car parking spaces.
- (b) The strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part lots in the strata plan.

(14) 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 apartments. Where allocated to adaptable apartments, the apartment(s) and car spaces must be assigned to the apartment in any future strata subdivision of the building.

(15) ALLOCATION OF PARKING

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

Car Parking Type	Number
Residential spaces	0
Accessible residential spaces	6-8
Car share parking	1
Subtotal	7-9
Service vehicle spaces (B99 vehicle)	1
Total	10

(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) 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	37	Spaces must be Class 1 or Class 2 bicycle facilities (i)
Residential visitor	4	Spaces must be Class 3 bicycle rails
Non-residential staff	4	Spaces must be Class 2 bicycle facilities
Non-residential visitor	6	Spaces must be Class 3 bicycle rails

Notes:

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

(18) 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.

(19) 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.

(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 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.

(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) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 5.2 metres (B99 vehicle).

(23) 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 the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008) must be submitted to and approved by Council prior to the erection or display of any such signs.

(24) EXTERNAL LIGHTING – SEPARATE DA REQUIRED

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

(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 Renzo Tonin & Associates, dated 19 September 2014, reference TG799-01F02 (r2), titled Acoustic Assessment for DA, Council Ref 2014/526381 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 PCA, which addresses the following requirements:
 - (i) Glazing for the facades is to be selected and installed to ensure internal noise criteria as identified in Table 1 of the acoustic report are satisfied, with consideration given to the recommended performance criteria for glazing outlined in Table 3 of the acoustic report;
 - (ii) Acoustic grade seals are to be installed on windows and perimeter doors exposed to road traffic noise in all areas where laminated glass is installed;
 - (iii) Mechanical plant chosen for installation at the development site is to be designed, installed and acoustically treated so that compliance with the project specific noise goals outlined in Table 6 of the acoustic report is achieved. Noise control measures for mechanical plant may include but are not limited to:
 - a. Procurement of 'quiet' plant,
 - b. Strategic positioning of plant away from sensitive neighbouring premises,

- c. maximising the intervening shielding between the plant and sensitive neighbouring premises,
 - d. commercially available silencers or acoustic attenuators for air discharge and air intakes of plant;
 - e. acoustically lined and lagged ductwork;
 - f. acoustic screens and barriers between plant and sensitive neighbouring premises; and/or
 - g. Partially-enclosed or fully-enclosed acoustic enclosures over plant.
- (iv) Mechanical plant shall have their noise specifications and their proposed locations checked prior to installation on site.
 - (v) Fans shall be mounted on vibration isolators and balanced in accordance with Australian Standard 2625 "Rotating and Reciprocating Machinery – Mechanical Vibration.
- (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.

(26) DEMOLITION, 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 phase.
- (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) The course of action to 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.

(27) 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.

(28) ACOUSTIC PRIVACY BETWEEN APARTMENTS

- (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.

(29) 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. Amplified sound must not be provided in the common open space at any time.

(30) 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.

(31) 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.

(32) 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.

(33) LETTERBOXES

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

(34) 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 shall be undertaken prior to the issuing of the Construction Certificate. 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 major branches 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.
- (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 the 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 9673, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(35) 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 shall be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

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.

(36) NO DEMOLITION PRIOR TO CONSTRUCTION CERTIFICATE

The following conditions apply to the development:

- (a) Demolition must not commence until a Construction Certificate has been issued for construction of the alterations and additions to the building.

(37) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED - BCA REPORT HAS BEEN PROVIDED (CC REQUIRED)

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, where currently non-compliant the subject building must be upgraded to comply with Parts C, D1, D2 and E of the Building Code of Australia (BCA). In this regard attention is drawn to the comments / recommendations in BCA Assessment Report RE 142505 Issue 1 dated 16 /10/14 by City Plan Services submitted in conjunction with this application. In this respect there is no objection to the existing car park exit door to Sophia Street being inward opening (Clause D2.20 relates) as identified on page 4 of the report.

- (b) If compliance with the deemed-to-satisfy provisions of the BCA cannot be achieved, an alternative building 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.

(38) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

Note: Attention is drawn to the Disability (Access to Premises – Buildings) Standards 2010 and the requirement to satisfy the Certifying Authority with respect to ‘new part’ and ‘affected part’ upgrade provisions prior to the issue of a Construction Certificate.

(39) 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.

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

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

(41) ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant is to be submitted to the Certifying Authority:

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

(42) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.
- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

- (c) 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.
- (d) 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.
- (e) Any proposed road closures must be advised to the Traffic Office of the Surry Hills Local Area Command of the NSW Police Force on (02) 9265 4195.

(43) DEMOLITION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition 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 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 works.
 - (iii) The name and address of the company/contractor undertaking of site remediation/disposal of hazardous 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 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.

(44) DILAPIDATION REPORT – MINOR

Subject to the receipt of permission of the affected landowner, 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 works; and
- (b) on completion of construction demolition works.

(45) EROSION AND SEDIMENT CONTROL

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. Details of the location and design of erosion and sediment control measures are to be submitted to and approved by the Principal Certifying Authority prior to the Construction Certificate being issued.

(46) 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 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.

(47) 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".

(48) 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.

(49) 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).

(50) 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.

(51) 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.

(52) 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.

(53) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Construction Certificate being issued for any 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 or demolition 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 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.

(54) 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.

(55) 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.

(56) PROTECTION OF STONE KERBS AND GUTTERS

- (a) The existing stone kerbs and gutters on the Kippax Street and Sophia Street frontage of the site are to be retained and properly protected during construction works.

- (b) To avoid damage to stone kerbs during 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.

(57) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 32 lineal metres of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(58) 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.

(59) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

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

(60) VENTILATION MINOR WORKS

The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991. The Certifying Authority must be satisfied that this condition is complied with prior to the issue of a Construction Certificate.

(61) 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.

(62) HAZARDOUS MATERIALS SURVEY

A Hazardous Materials Survey report is to be prepared by a suitably qualified environmental consultant and submitted to the satisfaction of the PCA (or Council if the PCA has not been appointed at that stage) prior to any demolition work commencing at the site. The report is to identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

Any works involving the disturbance or removal of hazardous materials must be undertaken in accordance with the recommendations given by the consultant and the condition of consent concerning asbestos removal works.

(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) CAR SHARE SPACES

- (a) A minimum of 1 car parking space 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 be 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.

(65) 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).

(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) 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.

(68) 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.

(69) 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.

(70) 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.

(71) WASTE STORAGE

Waste and recycling receptacles are to be stored on the property at all times with Council provided with an access key for servicing.

For internal collection servicing, the building manager must liaise with Council's Waste Services Unit for the installation of compatible (GAR) key system.

(72) 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.
- (d) The maximum travel distance between the storage point and collection point for all waste and recycling receptacles must not exceed 10 metres. The Waste Management Plan must make provision for how waste will be transferred between the internal residential waste storage rooms to ensure that the travel distance detailed above will not be exceeded.

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.

(73) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.

- (b) 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

- (c) 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.

(74) WASTE AND RECYCLING COLLECTION CONTRACT

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

(75) 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) Residential and commercial waste and recycling receptacles must be stored on property at all times and must not be presented on street for collection.

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

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

IMPORTANT NOTE:

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

(77) 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).

(78) 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).

(79) 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.

(80) 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.

(81) COMPLIANCE WITH DEMOLITION, 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 Demolition, Construction Noise and 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 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. Any respite periods must be set and agreed to by Council's Health and Building Unit.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(82) 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.

(83) BASIX

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

(84) 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 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 and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

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

(85) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

(86) 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.

(87) 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.

(88) 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 (EHO to specify hours)
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition 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.

(89) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(90) 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.

(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 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) EROSION AND SEDIMENT CONTROL

The Soil and Water Management Plan (SWMP) 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.

(94) 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.

(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) 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.

(97) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Waste water arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

(98) 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.

(99) 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.

(100) 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.

(101) 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) 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.

(102) 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.

(103) 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.

(104) GREEN TRAVEL PLAN

A Green Travel Plan, prepared in accordance with the requirements of Schedule 7.6 of the Sydney Development Control Plan 2012, must be submitted to and approved by Council prior to the Occupation Certificate for the site/use being granted.

Note: It is recommended the applicant review information on Council's website at <http://www.cityofsydney.nsw.gov.au> about preparing Green Travel Plans. The applicant may also contact a member of the Transport and Access Unit, to discuss the Green Travel Plan prior to its preparation and submission to Council.

(105) 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. A copy of the Fire Safety Certificate must be submitted to Council if it is not the Principal Certifying Authority.

(106) ANNUAL FIRE SAFETY STATEMENT FORM

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

SCHEDULE 2**PRESCRIBED CONDITIONS**

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

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

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

Carried unanimously.

ITEM 9.7**DEVELOPMENT APPLICATION: 58 RILEY STREET DARLINGHURST (D/2015/1243)**

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 4.4 (Floor Space Ratio) of the Sydney Local Environmental Plan 2012 not be supported by Council in this instance;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1243, subject to the following:

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

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

(1) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The east and west elevations of the retained building are to be revised to remove detracting elements and contribute to the existing warehouse character of the immediate locality including realigning the ground floor shopfront with the Riley Street boundary, deleting both the level one Riley Street and Crown Lane facing balconies and reinstating appropriately proportioned openings and fenestration on both facades.
- (b) The design is to be modified by reducing the gross floor area of the upper level (Level 5) to demonstrate compliance with the permitted Local Environmental Plan 2012 floor space ratio of 3.0:1. For the purposes of the calculation of FSR, the Gross Floor Area of the business component is 558sqm.
- (c) The detailing of the Riley Street elevation is to be modified to incorporate verticality in the design of the facade of the upper levels and simplify the design of the north-west balcony elevation to complement the design features of the retained building and other contributory buildings in the immediate locality.
- (d) The ground floor level is to be modified so as to provide an on-site waste storage room, accessible for collection from Crown Lane, in accordance with City Policy for Waste Minimisation in New Developments 2005.
- (e) The ground floor level is to be modified so as to provide six (6) bicycle parking facilities in accordance with the Sydney Development Control Plan 2012.

The modifications are to be submitted to and approved by the Director City Planning, Development and Transport.

- (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 by 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (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 as detailed in Part B (Conditions of Consent (Once Consent is Operational)), and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

PART B – CONDITIONS OF CONSENT**(ONCE CONSENT IS OPERATIONAL)**

Upon compliance with the conditions contained in Part A, the consent will become operative, subject to the following conditions, as may be amended by such other conditions that may arise as a result of compliance with conditions / information required in Part A:

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/1243 dated 31 August 2015 and the following drawings:

Drawing Number	Architect	Date
DA-1101	David Mitchell Architects	21/07/15
DA-1102	David Mitchell Architects	21/07/15
DA-1103	David Mitchell Architects	21/07/15
DA-1104	David Mitchell Architects	21/07/15
DA-1105	David Mitchell Architects	21/07/15
DA-1106	David Mitchell Architects	21/07/15
DA-1201	David Mitchell Architects	21/07/15
DA-1301	David Mitchell Architects	21/07/15
DA-1302	David Mitchell Architects	21/07/15
DA-1303	David Mitchell Architects	21/07/15
DA-1304	David Mitchell Architects	21/07/15

and as amended by compliance with Part A – Deferred Commencement conditions and the conditions of this consent.

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

(2) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 33.83 (AHD) to the top of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(3) 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 3.0:1. For the purposes of the calculation of FSR, the Gross Floor Area of the business component is 558sqm.
- (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.

(4) USE AND HOURS OF OPERATION - MINOR DEVELOPMENT

- (a) The development is not to be used for other than the approved retail and office uses without separate approval from Council.
- (b) The hours of operation for the ground floor retail are restricted to between 7.00am to 6.30pm Monday to Wednesday and Friday and 7.00am to 9.00pm, Thursday and 7.00am to 4.00pm Saturday.
- (c) The hours of operation for the Level 1 to 5 office use is restricted to between 7.00am to 7.30pm Monday to Friday and 7.00am to 5.00pm Saturday.

(5) MATERIALS AND SAMPLES BOARD

- (a) The proposed materials including the copper cladding to Riley Street forming part of this approval unless otherwise approved by Council.
- (b) A materials sample board detailing all proposed finishes must be submitted to and approved by Council's Area Planning Manager, prior to a Construction Certificate being issued.

(6) TREATMENT OF PROPOSED EXTERNAL WALLS

Details of the cement fibre facade treatment of the north and south elevations must be submitted to and approved by Council prior to the Construction Certificate being issued. Any work is required to be completed prior to the Occupation Certificate being issued or the commencement of the use, whichever is earlier.

(7) ALLOCATION OF PARKING

One car parking space to be provided for the development. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

(8) 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	3	Spaces must be Class 2 bicycle facilities
Non-residential visitor	3	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	N/A	
Personal lockers	6	

Notes:

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

(9) 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	\$1,756.51
Public Domain	\$3,386.74
New Open Space	\$27,555.67
Accessibility	\$277.97
Management	\$300.55
Total	\$33,277.44

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

Contributions at Time of Payment = C x CPI2 / CPI1

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – September 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) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL WITH NO STRATA SUBDIVISION

The following conditions apply to car parking:

- (a) The on-site car parking space, 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.

(11) 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.

(12) 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.

(13) SIGNS - SEPARATE DA REQUIRED

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

SCHEDULE 1B

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

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

(14) 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.

(15) 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.

(16) 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.

(17) 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.

(18) DILAPIDATION REPORT – MINOR

Subject to the receipt of permission of the affected landowner, 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.

(19) 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).

(20) 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.

(21) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(22) 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.

(23) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(24) LETTERBOXES

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

(25) 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.

(26) 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.

(27) 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.

(28) 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.

(29) 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.

(30) WASTE/RECYCLING COLLECTION

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.

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(31) HOURS OF WORK AND NOISE – OUTSIDE CBD**

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

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

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

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

(32) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(33) 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.

(34) 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.

(35) 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.

(36) 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.

(37) 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.

(38) 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.

(39) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

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

SCHEDULE 2

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

Carried unanimously.

ITEM 9.8

DEVELOPMENT APPLICATION: 456 KENT STREET SYDNEY - INSTALLATION OF A TRIGENERATION PLANT ON THE ROOF OF TOWN HALL HOUSE (D/2015/1190)

It is resolved that consent be granted to Development Application No. D/2015/1190, subject to the conditions as detailed in the assessment report prepared by Helena Miller, MG Planning, shown at Attachment A to the subject report.

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

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

It is resolved that the recommendation contained in the Consultant's Planning Report prepared by Helena Miller, MG Planning, shown at Attachment A to the officer's report for Development Application D/2015/1190, considered by the Planning and Development Committee on 8 December 2015 be adopted, subject to the amendment of Condition (8), such that the condition read as follows (with additions shown in ***bold italics underlined*** text):

(8) DECOMMISSIONING OF ROOF TOP AIR INLETS AT TOWN HALL HOUSE

The trigeneration plant shall not commence operation until the ***heating ventilation and air conditioning*** fresh air intakes on the roof top of Town Hall House have been decommissioned and permanently blocked off.

The roof top ***heating ventilation and air conditioning*** air intakes must not be reopened and used throughout the operational life of the trigeneration plant.

The future installation and relocation of ***heating ventilation and air conditioning*** air intakes on Town Hall House must be subject to development consent.

Amendment. Moved by Councillor Mandla, seconded by Councillor Forster –

That development consent be delayed until Council releases all the confidential reports, emissions data and lets the affected parties know what they will be exposed to and the environmental effects are fully known and understood.

The amendment was lost on the following show of hands –

Ayes (2) Councillors Forster and Mandla

Noes (8) The Lord Mayor, Councillors Doutney, Green, Kemmis, Kok, Mant, Scott and Vithoukas

Amendment lost.

The motion was carried on the following show of hands –

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

Noes (2) Councillor Forster and Mandla

Motion carried.

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

It is resolved that consent be granted to Development Application No. D/2015/1190, 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/2015/1190 dated 20 August 2015 and the following drawings:

Drawing Number	Architect	Date
Typical Lower Floor Revision 3	AECOM	N/A
Typical Upper Floor Revision 3	AECOM	N/A
North View Revision 4	AECOM	25/05/2015
South View Revision 4	AECOM	25/05/2015
East View Revision 4	AECOM	25/05/2015
West View Revision 4	AECOM	25/05/2015
Top View Revision 4	AECOM	28/05/2015

and as amended by the conditions of this consent.

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

(2) NO WORKS TO SYDNEY TOWN HALL

No consent is given or implied to any works to or within Sydney Town Hall.

(3) HOURS OF OPERATION- GAS FIRED TRIGENERATION PLANT

The hours of operation of the gas fired trigeneration plant shall be limited to between 7.00am and 10.00pm, 7 days a week.

(4) EMISSION MONITORING SYSTEM-GAS FIRED TRIGENERATION PLANT

A continuous emission monitoring system (CEMS) shall be installed to enable system monitoring and adjustment for optimal emission reduction.

The continuous emission monitoring system (CEMS) shall be monitored and maintained in accordance with the manufacturer's requirements and specifications.

(5) ENGINE AND GENERATOR- GAS FIRED TRIGENERATION PLANT

The trigeneration system must comply with the following:-

- (a) The generator engine shall incorporate lean burn, low NO_x design technology to generate NO_x emissions not exceeding 250ugm-3 prior to other emission control equipment.

The generator shall comply with the requirements of Australian Standard for Industrial and Commercial Gas-fired appliances AS3814.2015.

- (b) Certification shall be provided by a suitably qualified consultant certifying that the engine and generator has been installed in accordance with the above requirements.
- (c) The generator engine shall be serviced and maintained in accordance with the above requirements and the Manufacturers maintenance schedule for the working life of the plant.
- (d) Records of all servicing and maintenance to be carried out on the generator engine are to be kept and made available on request by Council.

(6) ENGINE SPECIFICATION-GAS FIRED TRIGENERATION PLANT

Approval for power generation is restricted to 7 natural gas Microturbines consisting of 1 x C600 Module with 3 x C200 NG Capstone Microturbines, and 1 x C800 Module with 4 x C22 NG Capstone Microturbines located on the roof of the building as indicated on the following approved drawing: Top View Rev 4 25052015, prepared by AECOM, dated 28 May 2015.

(7) FUEL BURNING

Only reticulated natural gas or natural gas generated by the onsite gasification plant may be burnt in the gas fired power generator engine.

(8) DECOMMISSIONING OF ROOF TOP AIR INLETS AT TOWN HALL HOUSE

The trigeneration plant shall not commence operation until the heating ventilation and air conditioning fresh air intakes on the roof top of Town Hall House have been decommissioned and permanently blocked off.

The roof top heating ventilation and air conditioning air intakes must not be reopened and used throughout the operational life of the trigeneration plant.

The future installation and relocation of heating ventilation and air conditioning air intakes on Town Hall House must be subject to development consent.

(9) COMMISSIONING EMISSION MONITORING - GAS FIRED TRIGENERATION PLANT

- (a) The operator must inform the Council's Health and Building Manager of their intention to commence operation of the trigeneration plant no more than 7 days before the plant becomes operative.
- (b) Within 1 month of commencement of operation of the gas fired plant and emission control equipment, air emission monitoring and recording must be carried out by a suitably qualified and competent environmental air quality consultant.
- (c) The monitoring, recording and reporting must include emission velocity, flow, rate, temperature, water vapor concentration and Nitrogen Oxides and any other relevant pollutant, which shall be carried out in accordance with the NSW Environment Protection Authority (EPA), publication "Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales".
- (d) An initial commissioning report shall be provided to the Council's Health and Building Manager within 8 weeks of commencement of operation of the gas fired plant showing the results of the above emissions monitoring testing and impact evaluation.
- (e) Exceedances of any relevant pollutant criteria found during the air emission monitoring must be reported to the Council's Health and Building Manager within the next working day and suitable corrective actions, including where necessary shut down and repairs agreed in writing and implemented at the discretion of the Council's Health and Building Manager.

(10) QUARTERLY EMISSION MONITORING

- (a) Following the first emission monitoring report, quarterly emission monitoring and recording by an appropriately qualified and competent consultant shall be conducted of the exhaust stack. The quarterly monitoring and recording must include emission velocity, flow, rate, temperature, water vapour concentration and Nitrogen Oxides.

- (b) Upon written request from a Council officer the results of the quarterly monitoring shall be made available in a written report to Council's Health and Building Manager within 7 days. Reports will be to the written satisfaction of Council's Health and Building Manager.
- (c) The monitoring, recording and reporting must include emission velocity, flow, rate, temperature, water vapour concentration and Nitrogen Oxides and any other relevant pollutant, which shall be carried out in accordance with the NSW Environment Protection Authority (EPA), publication "Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales".
- (d) The Proponent shall retain emission monitoring reports required in (a) above for a minimum period of two years and must make them available for inspection by an authorised Council Officer upon request.
- (e) Exceedances of any relevant pollutant criteria found during the air emission monitoring must be reported to the Council's Health and Building Manager within the next working day and suitable corrective actions, including where necessary shut down and repair agreed in writing and implemented at the discretion of the Council's Health and Building Manager.

(11) SUBMISSION OF OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

Prior to operation of the gas-fired plant, an Operational Environmental Management Plan shall be submitted to the Council's Health and Building Manager for review and approval. Operation of the plant shall not commence until the submitted plan has been approved in writing by the Council's Health and Building Manager. The operational measures must include but not be limited to the following:

- (a) A maintenance inspection log must be kept on site at all times documenting the maintenance works and procedures carried out on the gas-fired plant.
- (b) A log must be kept on site to document any complaints received in relation to emissions, noise and of any other nature. The logs should also outline the actions undertaken to resolve the complaints.
- (c) Details of regular maintenance procedures must be documented, including leak detection from the plant and its equipment to be undertaken, and actions to deal with breakdowns.

(12) SPILLAGE-MATERIALS AND EQUIPMENT TO CONTAIN & CLEAN UP

Appropriate materials and equipment are to be available on site at all times to contain and clean up spills of potentially polluting materials. An inventory of all clean up and containments materials and equipment, and clean up procedures must be kept on site.

(13) WASTE LIQUIDS

All storage areas where spillages may reasonably occur shall be bunded. The capacity of the bunded area shall be calculated as being equal to 110% of the largest vessel or container in the area or 10% of the total volume of vessels/containers accommodated in the area, whichever is greater. All bunded areas shall be graded to a blind sump to facilitate testing of collected wastewater and provide a low point for pump out. Bunded areas shall be suitably treated to prevent the ingress of water.

(14) 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 Marshall Day Acoustics, dated 30 January 2015, (ref Rp001 R05 2014134SY titled TOWN HALL HOUSE TRIGENERATION, Council Ref 2015/433336 and 2015/433339) 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 and Vibration Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority (PCA) which addresses the following requirements:
- (i) The development must be certified and verified to have been designed and constructed not to cause an exceedance of $L_{Aeq, 15\text{minute}}$ 50 dB in accordance with part (a) of the NOISE – GENERAL condition.
- (ii) The development must be certified and verified to have been designed and constructed not to cause an exceedance of the following octave band centre frequencies measured as an $L_{Aeq, 15\text{minute}}$ within any residential or noise sensitive commercial receiver in accordance with part (b) of the NOISE – GENERAL condition.

Octave Band Centre Frequencies, $L_{Aeq, 15\text{minute}}$, dB								
31.5	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
16	21	30	28	27	26	20	16	14

(iii) Appendix E of The Report

The following construction methodologies will be implemented to the satisfaction of the acoustic consultant in agreement with the PCA for the purposes of Noise & Vibration Mitigation:

a. E1 Generator noise barriers

Noise barriers must be constructed around all sides of the two generators, including a barrier between the two units, as shown in red in Figure 3. The barriers must have a transmission loss performance of at least R_w 25. The inner face of the barriers must be constructed to have a Noise Reduction Coefficient (NRC) of at least 0.7. For the barrier between the two units both sides of the unit must be acoustically absorbent (as well as achieving at least R_w 25). The top of these barriers must be at least 2.1m above the top of the generators (i.e. 5.0m height, based on 2.9m generator height).

b. E2 Absorption chiller barrier

A noise barrier must be constructed on the western side of the western chiller, 6m in length, as shown in blue in Figure 3. The barrier must have a transmission loss performance of at least R_w 25. The inner face of the barrier (facing the chillers) must be constructed to have a Noise Reduction Coefficient (NRC) of at least 0.7. The top of this barrier must be at least 0.2m above the top of the chiller (i.e. 2.5m height, based on 2.3m chiller height).

c. E3 Ceiling upgrades to Town Hall House

i. The ceilings on the top floor of town hall house, below the generator area, must be upgraded so as they are fixed to plasterboard ceilings in order to address noise break-in via the roof/ceiling. The following ceiling treatment applies to open office spaces, private offices and meeting rooms located below the generator area as well as any meeting rooms with audio located below the chiller area:

- a) 1 layer of 13mm plasterboard ceiling lining suspended on steel hangers
- b) Minimum 200mm airspace between the slab and the plasterboard
- c) 100mm thick 11kg/m³ density insulation above the ceiling

ii. The ceilings to any meeting rooms with audio (e.g. teleconferencing) that are located below the generator area must comprise:

- a) 2 layers of 13mm plasterboard ceiling lining suspended on isolation hangers
 - b) Minimum 200mm airspace between the slab and the plasterboard, and
 - c) 100mm thick 11kg/m³ density insulation above the ceiling.
- iii. Penetrations (for lights, sprinklers etc.) should be avoided. Where penetrations are required to the ceiling they must be treated to ensure the acoustic performance of the ceiling is not de-rated.
 - iv. The extent of areas requiring treatment below the generators is shown in Figure 3: Noise barrier locations as well as extent of areas requiring ceiling treatment, page 30 of the Acoustic Report.
- (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 City's Area Planning Manager 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.

(15) VIBRATION

The development must not cause any perceptible vibration within any premise including Town Hall House, 456 Kent Street, Sydney NSW 2000.

(16) NOISE - GENERAL

- (a) The emission of noise associated with the use of the trigeneration plant and associated infrastructure including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
 - (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.

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

(17) EMISSIONS

- (a) The use of the trigeneration plant and associated infrastructure 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.

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

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

(18) DESIGN DETAILS

The following design details of the building are to be submitted to and approved by Council's Heritage Specialist prior to a Construction Certificate being issued:

- (a) Larger scale details of the following:
 - (i) Should any penetrations in the cladding of the Services core of Town Hall House be necessary, details of the construction of these penetrations and making good, are to be submitted.
 - (ii) The proposed enclosure around the Capstone condenser units.
 - (iii) The proposed waterproofing work to the roof replacing the existing membrane.

(19) 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.
- (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. A heritage induction exercise is to be carried out by a suitably qualified heritage professional prior to the commencement of all works.

(20) 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.

(21) 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.

(22) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(23) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(24) 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.

(25) WASTE AND RECYCLING MANAGEMENT - MINOR

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

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(26) INTERNAL WORK – TOWN HALL HOUSE**

All internal work within Town Hall House is to be contained to within the existing conduits, service infrastructure and down shafts.

(27) HOURS OF WORK AND NOISE – CBD

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

- (a) All work, including demolition, excavation and building 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 must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, 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.

(28) TRIGENERATION PLANT INSTALLATION

The applicant must install the Trigeneration plant as described in the 'Town Hall House Precinct Trigeneration' Air Quality Impact Assessment report prepared by AECOM dated 24 June 2015.

(29) ENGINE AND GENERATOR- TRIGENERATION PLANT

The trigeneration system must comply with the following:-

- (a) Lean burn Low NOx Engine: The generator shall comply with the requirements of Australian Standard for Industrial and Commercial Gasfired appliances AS3814.2005.
- (b) Certification: Evidence of appropriate certification must be provided to Council by a suitably qualified consultant certifying that the engine and generator have been installed in accordance with the above requirements.
- (c) Maintenance and Servicing: The generator engine shall be serviced and maintained in accordance with the above requirements (a) and (b).
- (d) Records: Records of all servicing and maintenance to be carried out on the generator engine are to be kept and made available within 7 days of request by Council.

(30) ATMOSPHERIC DISCHARGE & EMISSION POINTS

Atmospheric discharges and emission points for the trigeneration plant for Town Hall House must comply with the manufacturer's instructions.

(31) APPROVED FUEL BURNING – GAS FIRED PLANT

Fuel burnt in the gas fired power generator engine must only be natural gas generated by the onsite gasification plant or reticulated natural gas.

(32) 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.

(33) 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.

(34) 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.

(35) USE OF MOBILE CRANES

The following requirements apply:

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

SCHEDULE 2

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

Note – Councillor Mandla stated that the voting shown in the Council business paper for Item 9.8, indicating that at the meeting of the Planning and Development Committee he voted in favour of the recommendation, was incorrect as he was not present for voting on that item at the Committee meeting.

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 8 December 2015 be received, with the recommendations set out below for Items 9.11 to 9.13 inclusive being adopted, and Items 9.9, 9.10 and 9.14 being dealt with as shown immediately following those items, noting that Item 9.14 was brought forward and dealt with before Item 9.9.

Carried unanimously.

The Development Assessment Sub-Committee recommended the following:

ITEM 9.9**DEVELOPMENT APPLICATION: 251-255 OXFORD STREET PADDINGTON - PADDINGTON RESERVOIR GARDENS (D/2014/1614)**

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 14 December 2015.

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

That the recommendation contained in the Consultant's Planning Report prepared by Helena Miller, MG Planning, shown at Attachment A to the officer's report to the Planning and Development Committee on 8 December 2015, be adopted, subject to the addition of the following new condition to the deferred commencement conditions shown in clause (A) of the recommendation.

(2) SURRENDER OF PREVIOUS CONSENT

Development consent D/2009/1628 must be surrendered prior to the operation of the consent.

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

That the recommendation contained in the Consultant's Planning Report prepared by Helena Miller, MG Planning, shown at Attachment A to the officer's report to the Planning and Development Committee on 8 December 2015, be adopted, subject to:

- (A) replacement of the words "markets (maximum 20 stalls)" in the first row of the column headed "Group B – Slight Impact" of the table in Condition (4)(a), with the following words:

Display and/or sale of creative arts and cultural products (limited to 20 tables on hard paved areas only).

- (B) the addition of the following new condition to the deferred commencement conditions shown in clause (A) of the recommendation:

(2) SURRENDER OF PREVIOUS CONSENT

Development consent D/2009/1628 must be surrendered prior to the operation of the consent.

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

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

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/2014/1614, subject to the following condition:

(1) PLAN OF MANAGEMENT TO BE SUBMITTED AND APPROVED

- (a) The Venue Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Plan of Management must be prepared to address all operational and management procedures to be employed, to ensure that the premises can operate without disturbance to the surrounding locality. The plan must address the whole of the proposed operations and reflect the matters contained in the Schedule 3 of the Sydney Development Control Plan 2012. The Plan of Management shall address:
 - (i) Hours of Operation
 - (ii) Amenity of neighbourhood
 - (iii) Noise
 - (iv) Behaviour of patrons and responsible service of alcohol
 - (v) Deliveries and waste removal
 - (vi) Maintenance
 - (vii) House Policy
 - (viii) Staffing levels and security management
 - (ix) Capacity of Premises
 - (x) Use of areas
 - (xi) Waste and rubbish
- (c) The plan must include but not be restricted to; compliance with all other operational conditions of this consent; hours of operation; noise; security management; bump in and bump out arrangements, services, traffic management and handling complaints.

(2) SURRENDER OF PREVIOUS CONSENT

Development consent D/2009/1628 must be surrendered prior to the operation of the consent.

- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 12 months of the date of this deferred commencement consent, failing which this deferred commencement consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (C) 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
- (D) 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:

CONDITIONS OF CONSENT**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

Development must be in accordance with Development Application No. D/2014/1614 dated 22 October 2014 and as amended by the conditions of this consent. This consent only approves the uses as outlined in Condition 4 of this consent.

(2) LIMITATION OF THIS CONSENT – USE ONLY

This consent is limited to use only and does not provide for any physical works to be undertaken. Any physical works are to be subject to separate development application as required.

(3) USE CONSISTENT WITH ADOPTED PLAN OF MANAGEMENT UNDER LOCAL GOVERNMENT ACT 1993

The use of Walter Read Reserve and Paddington Reservoir Gardens must be in accordance with the adopted Plan of Management applying to the site under section 35 of the Local Government Act 1993.

(4) RESTRICTION ON USE

- (a) The use of Walter Read Reserve and Paddington Reservoir Gardens for cultural and community events is to be in accordance with the table below and only for the specific uses mentioned in the table below:

	Group A – Low Impact	Group B – Slight Impact
Permitted uses	Eastern Chamber - Guided tours, storytelling, workshops, exhibitions	Eastern Chamber - Art exhibitions, display and/or sale of creative arts and cultural products (limited to 20 tables on hard paved areas only), light music
	Western Chamber - Guided tours, storytelling, exhibitions	Western Chamber - Art exhibitions, light music
Hours of operation	8am – 10pm, 7 days per week	8am – 8pm, 7 days per week
Maximum number of people	Eastern chamber – 30 Western chamber – 50 Combined Maximum - 80	Eastern chamber – 100 Western chamber - 200 Combined Maximum - 200
Maximum days / year	Not applicable	100 (including bump in and bump out) in any calendar year Maximum 42 consecutive days
Acoustic Management measures	No amplified voice or music allowed	Light music only No amplified voice or music allowed Western Chamber – no wind or percussion instruments. All music activities to be limited to grassed area
Security	Not applicable	Where > 100 people
Toilets	Not applicable	To utilise facilities in Paddington Town Hall

- (b) No events are to be allowed within Walter Read Reserve.

(5) MAXIMUM CAPACITY

The maximum occupancy capacity on site at any one time for organised events (excluding staff and performers) is restricted to 200 persons.

(6) NO AMPLIFICATION APPROVED

The proposed use may not include the provision of amplified voice or music at any time.

(7) TIME LIMITED CONSENT

(a) The period during which the events are approved to operate is restricted to two years from the date of this consent becoming operative. The events must cease after that time (unless a further Development Application has been lodged for consideration). A further development application may be lodged before the end of that period for Council's consideration of the continuation of the events.

(b) Council's consideration of this further application will take into account the compliance of the use by reference to matters including, but not limited to, the following: conditions of consent; number and nature of substantiated complaints regarding the operation of the premises; and any views expressed by the NSW Police Service.

(8) DELIVERY VEHICLES

Deliveries associated with the site that involve the movement of vehicles, must only occur between the hours of 6.00am and 8.00 pm.

(9) PLAN OF MANAGEMENT

The site must be operated and managed in accordance with the Plan of Management approved prior to this consent becoming operative.

(10) REMOVAL OF GLASS

Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises.

(11) 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.

(12) QUEUING

No persons are to be permitted to drink or queue outside the premises at any time. Event managers or security officers (where required) are to ensure that there is no queue for the premises and take all reasonable steps to ensure compliance with this condition.

(13) 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.

(14) 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.

(15) EVENT BUMP IN – BUMP OUT

The time for bump in and bump out is limited to the hours of 8.00am to 11.00pm.

(16) GROUP A EVENTS - NOISE & OPERATIONAL RESTRICTIONS**(a) Group A Event**

For the purposes of this determination, Group A events are activities which are taken to be low impact on the surrounding amenity from an environmental noise perspective and can occur without limitation on frequency or other parameters aside from the following terms in this condition which must be complied with.

Noise – Entertainment, Patrons, Personal Amplification

The cumulative $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the lessor of:

- (i) 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 8.00am and 10.00pm when assessed at the boundary of any affected residence. Or,
- (ii) The following maximum noise levels:

1/1 Octave Centre Band Frequencies (Hz)

f	31.5	63	125	250	500	1k	2k	4k	8k
dB(Z)	63	62	57	53	52	51	47	42	34
dB(A)	24	36	41	44	49	51	48	43	33

- (iii) 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.
- (iv) The following meanings are given:
 - a. Entertainment Noise means music (unamplified), or any other noise which is generated in course of providing entertainment to a group of people other than that generated by mechanical part and ancillary equipment to support or service the event.
 - b. Patron Noise means conversational discourse noise and other noise made by patrons who attend the event.
 - c. Personal Amplification noise means noise generated by a loudspeaker or any other device or apparatus\ used for the purpose of providing speech reinforcement.

(b) **Permitted Hours, Days & Regularity of Operation**

- (i) Permitted hours of operation are 8am to 10pm, 7days per week.
- (ii) Operations may occur on any day of the week, and the total number of operations in any given year is unrestricted.

(c) **Permitted Maximum Capacity**

The maximum capacity for Group A events will be as follows,

- (i) 50 persons for events held in the West Chamber only (not including staff and performers),
- (ii) 30 persons for events held in the East Chamber only (not including staff and performers, and
- (iii) 80 persons for events held in or across both chambers (not including staff and performers.

(17) GROUP B EVENTS - NOISE & OPERATIONAL RESTRICTIONS

(a) **Group B Event**

For the purposes of this determination, Group B events are activities which are taken to be medium impact on the surrounding amenity from an environmental noise perspective and must occur only in accordance with the terms given in this condition.

(b) Noise – Entertainment, Patrons, Personal Amplification

The cumulative $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the lessor of:

- (i) 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 8.00am and 8.00pm when assessed at the boundary of any affected residence. Or,
- (ii) The following maximum noise levels:

	1/1 Octave Centre Band Frequencies (Hz)								
f	31.5	63	125	250	500	1k	2k	4k	8k
dB(Z)	63	62	57	53	52	51	47	42	34
dB(A)	24	36	41	44	49	51	48	43	33

- (iii) 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.
- (iv) The following meanings are given:
 - a. Entertainment Noise means music (unamplified), or any other noise which is generated in course of providing entertainment to a group of people other than that generated by mechanical part and ancillary equipment to support or service the event.
 - b. Patron Noise means conversational discourse noise and other noise made by patrons who attend the event.

(c) Permitted Hours, Days & Regularity of Operations & Records to be kept

- (i) Permitted hours of operation are 8.00am to 8.00pm, 7days per week.
- (ii) Operations may occur on any day of the week, however the total number of operations in any given calendar must be limited as follows:
 - a. 100 days total, and
 - b. No more than 42 consecutive days of any Group B events are to occur.

- c. An accurate record of Group B Events that are held is to be kept and furnished on request.
- d. Where public access to any part of any chamber is restricted for the purpose of bump in and bump out of an event, that day or any part thereof counts towards one day of the limits provided in a. and b. above.

(d) **Permitted Maximum Capacity**

The maximum capacity for Group B events will be as follows:

- (i) 200 persons for events held in the West Chamber only (not including staff and performers),
- (ii) 100 persons for events held in the East Chamber only (not including staff and performers), and
- (iii) 200 persons for events held in or across both chambers (not including staff and performers).

(18) NOISE – MECHANICAL PLANT & ANCILLARY EQUIPMENT (NOT MUSIC PATRONS & PERSONAL AMPLIFICATION) – ALL GROUP EVENT TYPES

- (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.

(19) HERITAGE ACT 1977 APPROVAL REQUIRED

Approval must be obtained under sections 57 and 60 of the Heritage Act 1977 prior to events commencing.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply where there is building work:

1. The prescribed conditions are as follows:
 - (a) The work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate is made).
 - (b) This condition does not apply to:
 - (i) the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Environmental Planning and Assessment Regulation 2000; or
 - (ii) the erection of a temporary building.
2. In the case of residential building work for which the Home Building Act 1989 requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

Speakers

Mr Nicholas Christian, Ms Diane McQueen, Ms Elizabeth Crundall, Mr Philip Smith, Ms Margaret Deftereos, Ms Vanessa Bennett and Mr John Berg addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.9.

ITEM 9.10**DEVELOPMENT APPLICATION: 50 BRAY STREET ERSKINEVILLE (D/2015/56)**

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 14 December 2015, to enable a site inspection to be undertaken of the subject site.

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

It is resolved that:

- (A) Council support the request to vary the height development standard under Clause 4.6 of the Sydney Local Environmental Plan 2012;
- (B) Council support the request to vary the motorcycle parking standard of the SEPP (Affordable Rental Housing) 2009 under Clause 4.6 of the Sydney Local Environmental Plan 2012; and
- (C) consent be granted to Development Application No. D/2015/56, subject to the conditions as detailed in the subject report, subject to the amendment of Condition (2) such that it read as follows:

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Room 12 and Room 13 to have minimum sill heights to the north elevation windows of 1.4 metres above finished floor level.
- (b) Room 3, Room 4, Room 5, Room 9, Room 10 and Room 11 to have minimum sill heights to the north elevation windows of 1.8 metres above finished floor level.
- (c) The north elevation of Room 4 to have one window to the ensuite and one window to the main room.
- (d) The north elevation of Room 5 to have one window to the ensuite and one window to the kitchenette/main room.
- (e) Room 14 and Room 15 and the corresponding stairway access are not approved. The western portion of the building is to be modified to present a simple pitched roof form to the south elevation (Bray Street) and the north (Devine Street neighbours), and lowered to comply with the Sydney Local Environmental Plan 2012 height limit of 9m.

- (f) The external side wall to the eastern elevation of proposed Room 6 and Room 13 is to be modified to provide variation in external materials and/or a landscaped treatment so as to reduce the visual bulk of the subject wall.

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

Carried unanimously.

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

It is resolved that:

- (A) Council support the request to vary the height development standard under Clause 4.6 of the Sydney Local Environmental Plan 2012;
- (B) Council support the request to vary the motorcycle parking standard of the SEPP (Affordable Rental Housing) 2009 under Clause 4.6 of the Sydney Local Environmental Plan 2012; and
- (C) consent be granted to Development Application No. D/2015/56, 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/2015/56 dated 21 January 2015 and the following drawings prepared by Katris Architects Pty Ltd:

Drawing Number	Drawing Name	Date
F102 Issue F	Proposed Grnd & First Floor Plans	29/09/2015
F103 Issue F	Proposed Floor Plans Attic Levels	29/09/2015
F104 Issue F	Proposed Elevations and Sections	29/09/2015
F102 Issue F	Proposed Grnd & First Floor Plans	29/09/2015

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Room 12 and Room 13 to have minimum sill heights to the north elevation windows of 1.4 metres above finished floor level.
- (b) Room 3, Room 4, Room 5, Room 9, Room 10 and Room 11 to have minimum sill heights to the north elevation windows of 1.8 metres above finished floor level.
- (c) The north elevation of Room 4 to have one window to the ensuite and one window to the main room.
- (d) The north elevation of Room 5 to have one window to the ensuite and one window to the kitchenette/main room.
- (e) Room 14 and Room 15 and the corresponding stairway access are not approved. The western portion of the building is to be modified to present a simple pitched roof form to the south elevation (Bray Street) and the north (Devine Street neighbours), and lowered to comply with the Sydney Local Environmental Plan 2012 height limit of 9m.
- (f) The external side wall to the eastern elevation of proposed Room 6 and Room 13 is to be modified to provide variation in external materials and/or a landscaped treatment so as to reduce the visual bulk of the subject wall.

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

(3) MATERIALS AND SAMPLES BOARD

A materials sample board detailing all proposed exterior finishes for the building, and including boundary fences and walls, must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

(4) SECTION 94 WESTERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$1,210.32
Public Domain	\$4,468.61
New Open Space	\$36,685.77
Accessibility	\$366.77
Management	\$396.56
Total	\$40,707.39

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 – September 2015.

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

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

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

(5) ACCOMMODATION - REGISTRATION AND CARETAKER

Prior to the issuing of an Occupation Certificate or occupation with an Interim Occupation Certificate (whichever is earlier), Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

(6) BOARDING HOUSE - USE AND OPERATION

The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 2010, the Boarding Houses Act 2012 and regulations thereunder and the Sydney Development Control Plan 2012 – 4.4.1.

(7) 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 the issue of an interim occupation certificate. Registration forms are available on Council's website www.cityofsydney.nsw.gov.au or by calling Council's Health Unit on 02 9265 9333.

(8) RESTRICTION ON BOARDING HOUSE

The following restriction applies to the parts of the building approved for boarding house use:

- (a) The building must be used as a boarding house only.

(9) RESTRICTION ON STRATA SUBDIVISION

In accordance with the provisions of Clause 52 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and the Sydney Development Control Plan 2012, the boarding house cannot be strata subdivided.

(10) VISITOR AND TOURIST ACCOMMODATION - PLANS OF MANAGEMENT

Plans of Management must be submitted and approved by Council's Health and Building Unit prior to an Occupation Certificate being issued. The Plans of Management must include the minimum criteria as stipulated in Council's Sydney Development Control Plan 2012 – 4.4.8.

(11) VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION

The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 2010 and regulations thereunder and Sydney Development Control Plan 2012 – 4.4.8.

(12) 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".

(13) BICYCLE PARKING AND END OF TRIP FACILITIES

- (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	4	Spaces must be a Class 1 or Class 2 bicycle facility

- (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.

(14) 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.

(15) 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.

(16) 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.

(17) 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.

(18) 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.

(19) 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.

(20) 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.

(21) 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.

(22) WASTE/RECYCLING COLLECTION

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.

(23) WASTE AND RECYCLING MANAGEMENT - MINOR

- (a) 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.
- (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.

(24) 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.

(25) PLAN OF MANAGEMENT

- (a) The use must be operated / managed in accordance with the Plan of Management that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.
- (b) The Plan of Management prepared by Mark Shanahan Planning Pty Ltd dated November 2014, shall be amended to reflect:
 - (i) the approved occupancy of the premises;
 - (ii) the on-site manager is an employee of the operator and not a boarder; and
 - (iii) any other consequential amendments to reflect the approved development.

The amended Plan of Management is to be signed and dated by the owner and submitted to and approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate

(26) 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.
- (c) Notwithstanding (a) and (b), no more than one adult person shall permanently occupy Room 3 and no more than one adult person shall permanently occupy Room 5, and each room shall contain no more than one bed. This excludes children and children's beds, cots or bassinets.

(27) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment 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 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 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 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 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 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 Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

(28) COMPLIANCE WITH THE ACOUSTIC REPORT - ACOUSTIC ASSESSMENTS REQUIRED PRIOR TO CONSTRUCTION AND/OR OCCUPATION CERTIFICATES

- (a) All recommendations contained in the acoustic report prepared by Rodney Stevens Acoustics, reference number 13859R1, dated 8 May 2015, must be implemented during construction and prior to the occupation of the premises.

Where detailed design and specification of acoustic performance requirements cannot be completed during the DA stage acoustic report, a suitably qualified acoustic consultant* is to be engaged prior to the commencement of the construction stage of the project. Prior to the Occupation Certificate being issued, the proponent's consultant will finalise acoustic specifications such that the proposed use is capable of complying and operating within the sound transmission and insulation requirements of the National Construction Code and the following requirements of the design criteria identified in the acoustic report.

- (b) Acoustic design criteria or performance specifications that have arisen from the DA acoustic report or any subsequent acoustic assessment into the proposed use shall be finalised and verified by a suitably qualified acoustic consultant.

Verification of the requirements in part (a) of this condition shall be done in accordance with relevant Australian Standards and guidelines and presented in a report to the satisfaction of the Principal Certifying Authority. The report will outline how the noise criteria, performance specifications and National Construction Code requirements have been established, verified and tested and present the results of engineering calculations, tests and noise measurements.

Where an acoustic performance specification or construction requirement fails to comply with an acoustic report pertinent to the use or the sound transmission and insulation requirements of the National Construction Code, the Principal Certifying Authority is to be notified and remediation works and certification testing conducted to the satisfaction of the consultant and the Principal Certifying Authority. Notification of the above is to be provided in writing by the proponent's consultant.

- (c) Following completion of all verification testing, measurement and reporting, a final acoustic compliance report referencing all testing, verification, noise measurement results and reports undertaken is to be submitted to the Council Health & Building Unit. This will occur prior to the Occupation Certificate/s being issued or commencement of use (whichever is earlier).

The report is to be prepared to the satisfaction of the Council Health & Building Unit and is to incorporate a clear statement certifying that the development or proposed use is fully capable of, complying with all the design criteria and operating within the requirements of the applicable acoustic and noise control conditions and criteria and sound transmission and insulation requirements of the National Construction Code.

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.

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.

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

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) and Cause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) 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.

(30) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(31) 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.

(32) ASBESTOS REMOVAL WORK

- (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) 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.

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

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

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.

(34) ARCHAEOLOGICAL INVESTIGATION

- (a) Should any historical 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.

(35) BASIC PHOTOGRAPHIC RECORD

A basic photographic record of the existing dwellings on the site is to be submitted to the satisfaction of Council's Heritage Specialist prior to the issue of a Construction Certificate. It is to include photographs of the external elevations as well as some internal shots. The record is to include a CD containing electronic images saved as JPEG or TIFF files and a thumbnail image sheet.

(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) 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).

(38) 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.

(39) 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.

(40) 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.

(41) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(42) 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.

(43) 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.

(44) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(45) 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.

(46) 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.

(47) 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.

(48) 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.

(49) 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.

(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 the neighbouring two-storey semi-detached dwelling immediately to the west of the site (31A Devine Street), and any retaining structures within 33, 35, 37 and 39 Devine Street to the north of the site, 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) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(53) 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.

(54) 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).

(55) 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.

(56) 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.

(57) 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.

(58) TREES THAT MUST BE RETAINED

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

Table 1 – 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
1 – 4	Fraxinus griffithii (Evergreen Ash)	Street trees
5	Agonis flexuosa (Willow Myrtle)	Devine Street

(59) TREE PROTECTION DURING CONSTRUCTION

- (a) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 5m of the trunk of any tree to be retained.
- (b) Excavation (except for removal of existing concrete hardstand area) must not occur within 4 metres of the trunk of the Willow Myrtle located within 49 Devine Street. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.
- (c) [Without prejudice to clause (a) above] any excavations within the 4 metres of the neighbour's tree trunk must be undertaken using non-destructive methods (such as by hand or with an Airspade) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.
- (d) All excavations located within 4 metres of the neighbour's tree must be supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework.
- (e) The ground surface along the right-of-way' along the northern and eastern boundary and within 4 metres of the neighbour tree must be protected as follows:
 - (i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of 75mm and geotextile fabric.
 - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (f) All root pruning must be undertaken by a qualified Arborist with a minimum AQF level 3.

(60) 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 must be protected by wrapped hessian or similar material to limit damage;
 - (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; and
 - (iv) Tree trunk 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.

(61) TREE PRUNING

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

(62) 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 an Occupation Certificate.

- (a) The design must provide a minimum 15% canopy cover across the site to be achieved within 10 years from the completion of the projects which must be provided by trees that will reach a minimum mature height of 6 – 8 metres.
- (b) At least two (2) trees are to be planted within the site at the completion of all construction works.
- (c) The tree species, when mature, must attain a minimum height of no less than 6 – 8 metres. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement.
- (d) The tree must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (e) At the time of planting, the container size is to be a minimum of 75 litres and a minimum height of 2.2 metres.
- (f) The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (g) 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.
- (h) 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.
- (i) 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.
- (j) Upon receipt and acceptance that all replacement tree planting/s have been completed to Council's satisfaction, an occupancy certificate will be issued.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(63) 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.

(64) USE OF INTRUSIVE APPLIANCES – NOT APPROVED

This development consent does not extend to 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”.

A separate Section 96 application must be submitted to the Council for the use of any equipment 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.

(65) 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.

(66) 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.

(67) 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.

(68) BASIX

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

(69) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(70) 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.

(71) 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.

(72) 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.

(73) 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.

SCHEDULE 2

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

Speakers

Dr Penny Stannard, Ms Helen Nicholson, Mr Matt Foster, Mr Jason Ealey, Mr Jeremy Brennan and Mr Mark Shanahan addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.10.

ITEM 9.11**DEVELOPMENT APPLICATION: 304-310 VICTORIA STREET DARLINGHURST (RD/2014/1971/A)**

It is resolved that

- (A) the Clause 4.6 request to vary the height and FSR development standards under Clauses 4.3 and 4.4 of Sydney Local Environmental Plan 2012 be supported; and
- (B) development consent be granted to Development Application No. RD/2014/1971/A following a review of the previous determination in accordance with Section 82A of the Environmental Planning and Assessment Act 1979, 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. RD/2014/1971/A dated 24 September 2015 and the following drawings:

Drawing Number	Architect	Date
A1001 Rev 2	Conrad Gargett Ancher Mortlock Woolley	30/01/2015
A2100 Rev 2	Conrad Gargett Ancher Mortlock Woolley	30/01/2015
A2101 Rev 2	Conrad Gargett Ancher Mortlock Woolley	30/01/2015
A2102 Rev 1	Conrad Gargett Ancher Mortlock Woolley	23/10/2014
A2103 Rev1	Conrad Gargett Ancher Mortlock Woolley	23/10/2014
A2110 Rev 2	Conrad Gargett Ancher Mortlock Woolley	30/01/2015
A2111 Rev 2	Conrad Gargett Ancher Mortlock Woolley	30/01/2015
A2112 Rev 2	Conrad Gargett Ancher Mortlock Woolley	30/01/2015
A2113 Rev 2	Conrad Gargett Ancher Mortlock Woolley	30/01/2015
A2120 Rev 1	Conrad Gargett Ancher Mortlock Woolley	23/10/2014
A3500 Rev 1	Conrad Gargett Ancher Mortlock Woolley	23/10/2014
A3001 Rev 1	Conrad Gargett Ancher Mortlock Woolley	23/10/2014
A3002 Rev 1	Conrad Gargett Ancher Mortlock Woolley	23/10/2014
A3003 Rev 1	Conrad Gargett Ancher Mortlock Woolley	23/10/2014
A3004 Rev 1	Conrad Gargett Ancher Mortlock Woolley	23/10/2014
S.82 Rev 01 – Colour Palette	Conrad Gargett Ancher Mortlock Woolley	04/09/2015

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the roof terrace must be modified as follows:

- (a) A setback is to be provided along the eastern edge of the terrace, a minimum width of 1500mm.
- (b) All existing plant located on the roof including enclosures are to be accurately reflected.

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) 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	\$6,490.88
Public Domain	\$12,515.07
New Open Space	\$101,826.98
Accessibility	\$1,027.19
Management	\$1,110.63
Total	\$122,970.76

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

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

where:

C is the original contribution amount as shown above;

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

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

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

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

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

(4) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels 1 to 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 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) An owner, tenant or Owners Corporation shall not advertise nor organise, nor permit a Building Manager or agent to advertise or organise, for short term accommodation or share accommodation in the building.
- (e) 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.

(5) 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.

(6) 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.

(7) ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, the following information is to be submitted to the Certifying Authority from an appropriately qualified access consultant:

- (a) Confirmation that one residential unit is able to be adapted for people with a disability in accordance with the Building Code of Australia.
- (b) Demonstration of compliance (in a checklist) with Australian Standard AS4299.

(8) 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 and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

(9) 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	13	Spaces must be a class 1 bicycle locker 1
Residential visitor	1	Spaces must be Class 3 bicycle rails

Notes:

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

(10) USE OF COMMON AREAS AND FACILITIES

- (a) 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.
- (b) The use of the roof top terrace is to be restricted to between 7.00am and 10.00pm, Monday to Sunday.

(11) 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.

(12) 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.

(13) 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.

(14) 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.

(15) NO ADDITIONAL PLANT ON ROOF TERRACE

Council approval is required for any additional mechanical plant to be located on the roof terrace.

(16) WASTE AND RECYCLING MANAGEMENT - MINOR

- (a) 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.

- (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.

(17) 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.
- (c) Unimpeded access shall be provided for collection vehicles between 6am and 6pm on collection days.

SCHEDULE 1B

PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING

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

(18) 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 roof including, but not limited to paved areas, planted areas on slab, 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.

(19) ACOUSTIC PRIVACY BETWEEN UNITS

The development must be designed and constructed to satisfy the requirements of the Sydney DCP 2012 acoustic privacy requirements. A report prepared by a suitably 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.

The report must:-

- (a) Quantify the level of impact (noise at the exposed facades) from the normal noise of the area on the development; and
- (b) 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 acoustic mitigation measures identified in the subject report must be approved under a future modification application in accordance with Section 96 of the Act prior to the issue of any Occupation Certificate, including any Interim Occupation Certificate.
- (d) The Certifying Authority (PCA) must ensure that the acoustic mitigation measures identified in the subject report are suitably incorporated into the development as erected prior to the issue of an Occupation Certificate.

(20) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(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) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(23) 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.

(24) 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).

(25) 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.

(26) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 21 lineal metres of asphalt footway along the Victoria Street site frontage and 21 lineal metres of concrete footway along the Nimrod Street 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.

(27) 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.

(28) STREET TREE PROTECTION

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

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:

- (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and truck at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
- (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding [Tree Management Team to insert location of hoarding and affected trees] to protect branches during the construction works.
- (e) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(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.

SCHEDULE 1C**DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION****(30) 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.

(31) BASIX

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

(32) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

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

(33) 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.

(34) 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.

(35) 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.

(36) 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.

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

- (a) A separate application under Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) in a public place.
- (b) Where a consent is granted allowing the placement of temporary structures in a public place the structures must comply fully with Council's Policy for the Design of Construction Hoardings and the conditions of any consent granted including:
 - (i) maintaining a current and valid consent for the full duration that the temporary structures are installed in the public place (Section 139, Roads Act 1993);

- (ii) bill posters and graffiti being removed within 24 hours of their placement (Clause 3.1);
- (iii) maintaining temporary structures in a clean and tidy condition including repainting where directed by an authorised officer of Council (Clause 3.1);
- (iv) hoarding site fences complying with Clause 3.3 - Element 3;
- (v) site sheds on decks of Type B hoardings being fully screened from the public place (Clause 3.3 - Element 5); and
- (vi) providing and maintaining operational artificial lighting systems under Type B hoardings (Clause 3.3 – Element 9).

(38) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) 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.
- (c) 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.
- (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.

(39) 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.

(40) 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.

(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) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Nimrod Street frontage of the site are to be retained and properly protected during construction works.
- (b) To avoid damage to stone kerbs during 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.

(43) 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 (EHO to specify hours)
- (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.

(44) 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.

(45) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(46) 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.

SCHEDULE 2

PRESCRIBED CONDITIONS

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

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

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

Carried unanimously.

ITEM 9.12**DEVELOPMENT APPLICATION: 145 REGENT STREET CHIPPENDALE (D/2015/732)**

It is resolved that:

- (A) the variation sought to Clause 4.4 (Building Height) of the Sydney Local Environmental Plan 2012 be supported in this instance;
- (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/2015/732, subject to the following:

(1) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The rear setback of the building shall be increased by 500mm to be in line with the rear of 147-149 Regent Street, Chippendale;
- (b) The waste area must be modified to include a bulking items storage area of at least 8m³; and
- (c) All boarding rooms are to provide a minimum combined kitchen/laundry area of 2.37sqm.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport.

(2) RIGHT OF WAY

- (a) The owner of the subject site must either extinguish the right of way (Bk 34 No. 137) marked 'D' in the Survey Plan prepared by Rygate Surveyors and dated 5 November 2014, or re-configure the rear landscaping and motorcycle parking to provide unimpeded right of way access to all parties who have rights to use it.
 - (b) Any modifications associated with rear setback area on the ground floor, must be submitted to and approved by the Director City Planning, Development and Transport.
- (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 by 8 December 2017, otherwise the consent will lapse on 9 December 2017;
 - (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:

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/2015/732 dated 1 June 2015 and the following drawings:

Drawing Number	Architect	Date
DA00 Issue E	Cracknell & Lonergan Architects	22 October 2015
DA02 Issue E	Cracknell & Lonergan Architects	22 October 2015
DA03 Issue E	Cracknell & Lonergan Architects	22 October 2015
DA04 Issue E	Cracknell & Lonergan Architects	22 October 2015
DA05 Issue E	Cracknell & Lonergan Architects	22 October 2015
DA06 Issue E	Cracknell & Lonergan Architects	22 October 2015
DA07 Issue E	Cracknell & Lonergan Architects	22 October 2015
DA08 Issue E	Cracknell & Lonergan Architects	22 October 2015
DA09 Issue E	Cracknell & Lonergan Architects	22 October 2015

and as amended by the conditions of this consent, including any amendments arising from Conditions (1) and (2) in clause (B).

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

(2) DESIGN MODIFICATIONS - HERITAGE

Prior to the issue of the Construction Certificate, the following design modifications are to be submitted to and approved by the Director City Planning, Development and Transport:

- (a) The drawings are to indicate the existing brick detailing on the front chimney, and are to notate that the chimney is to be conserved, and the brick pointing, the chimney trays and abutment flashings are to be repaired as required.
- (b) The drawings are to clearly notate the brickwork of the two side boundary walls of the existing terrace east of the proposed lift and voids are to be retained and conserved. The side walls west of this point may be demolished provided the majority of bricks are salvaged for reuse in the development.
- (c) The whole demolition of the front facade is not supported. Should large portions of the facade be required to be demolished, the drawings are to be amended to notate the location of the new works and portions of the facade to be removed.
- (d) Any works relating to the demolition of the front facade must be accompanied by a drawing prepared by a qualified structural engineer detailing the location and requirements for demolition.
- (e) All new windows, doors and shopfronts of the front facade are to be timber joinery. This is to be clearly noted on the drawings.
- (f) The proposed white colour of the front facade is to be amended to comprise predominantly earthy tones in keeping with the overall mid Victorian character of the building. A minimum of three colours is to be incorporated into the front facade, one for the main body of walling, one for raised decorative render work and one for joinery. A schedule of the colours is to be submitted.
- (g) To avoid potential damage caused by rising damp and migrating salts the following is to apply to the ground floor.
 - (i) No concrete slab is to be laid directly on the ground either within the building or east of the proposed lift and voids.
 - (ii) The existing suspended timber floor at ground floor level, and the ventilated subfloor space is to be reconstructed.

(3) DESIGN DETAILS

Prior to the issue of the Construction Certificate, the following design details are to be submitted to and approved by the Director City Planning, Development and Transport:

- (a) Elevations, plans and sections of the following elements of the front facade:

- (i) Window, shopfront and door joinery;
- (ii) Threshold of the front entry;
- (iii) Decorative rendered architraves, bracketed sills and hoods of the first floor windows; and
- (iv) Parapet frieze, scrolls and urns.

The above details are to be at 1:10 and/or 1:5 scale supported by brief specification notes including timber types, sources for the parapet urns and the like. These details are to be prepared by an appropriately experienced heritage architect.

- (b) A materials sample board detailing all proposed finishes and colours.
- (c) Drawings, prepared by a qualified Structural Engineer must be submitted for the front facade.

(4) RESTRICTION ON STRATA SUBDIVISION

In accordance with the provisions of Clause 52 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and the Sydney Development Control Plan 2012, the boarding house cannot be strata subdivided.

(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) NO STRUCTURES ON STREET-FACING ROOF PLANE

- (a) No solar hot water heater storage tanks, ventilators, satellite dishes and antennae or the like are to be placed on the street-facing roof plane of the building.
- (b) In particular, no air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:
 - (i) Not be located on awnings or attached to the face of the building
 - (ii) Not be located on roofs in such a way that it is visible from any street, footpath or park
 - (iii) Be visually screened if located 1.8 metres above ground level in other locations
 - (iv) Wiring shall be fully concealed.

(7) BOARDING HOUSE – PLAN OF MANAGEMENT

- (a) The Plan of Management (POM) accompanying this Development Application has not been approved by this consent.

- (b) A modified Plan of Management must be submitted to incorporate the conditions of consent and to reflect the requirements in Section 4.4.1.7 of the Sydney DCP 2012. The Plan of Management and House Rules are to specifically preclude smoking anywhere on the site, including balconies, the frequency of cleaning by private contractors, procedures relating to the removal of bulky good and waste collection, security and operational procedures relating to the use of the rear right of way and hours of the rooftop.
- (c) The boarding house use must always be operated/managed in accordance with the Boarding House Management Plan to be submitted for part (a) above.
- (d) The plan must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

(8) RESTRICTION ON BOARDING HOUSE

The development must be for the approved boarding house use only.

(9) BOARDING HOUSE - USE AND OPERATION

The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 2010, the Boarding Houses Act 2012 and regulations thereunder and the Sydney Development Control Plan 2012 – 4.4.1.

(10) USE OF COMMON AREAS AND FACILITIES

The ground floor communal area and rooftop outdoor space must be available for the use all lodgers of the building.

(11) BOARDING HOUSE MAXIMUM OCCUPANCY

- (a) The maximum number of lodgers (including the site manager) permitted is 17.
- (b) Rooms 01, 09 and 10 are to be occupied by a maximum of 1 lodger only.
- (c) Rooms 02 – 08 are to be occupied by a maximum of 2 lodgers only.
- (d) The above excludes children, and children's beds, cots and bassinets.
- (e) The hours of use for the roof terrace are restricted from 8.00am to 10.00pm, 7 days.
- (f) The manager/operator is responsible for ensuring the number of occupants does not exceed that specified above.

(12) SECTION 94 WESTERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$1,292.02
Public Domain	\$10,179.05
New Open Space	\$83,566.54
Accessibility	\$835.46
Management	\$903.32
Total	\$96,776.39

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 - [insert latest quarter and year].

The contribution must be paid prior to the 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.

OR

- (a) if a Tax Exemption is sought for provision of low cost housing:
- (i) A Bank Guarantee for the total contribution amount of \$135,796.05 or as indexed in accordance with the City of Sydney Development Contributions Plan 2006 must be lodged with Council prior to the issue of any Occupation Certificate issued for the site, the use commencing or the site being occupied (whichever occurs first).
 - (ii) Within 18 months of the issue of any occupation certificate for the site, the use commencing or the site being occupied (whichever occurs first), satisfactory evidence is to be submitted to Council indicating that the boarding house use has received a tax exemption for provision of low cost housing as granted by the State Government. Once this information has been received, the bank guarantee will be released by Council.
 - (iii) The contribution must be paid in full (as indexed), should the boarding use no longer qualify for the tax exemption for low-cost housing from the State Government.

(13) ALCOVE LIGHTING

The proposed alcove(s) on Regent Street shall be fitted with a sensor-activated vandal proof security light. The light shall be maintained in good working order to Council's satisfaction. The intensity, colour, and illumination must be varied if, at any time in the opinion of the consent authority, adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor is being caused to the amenity of the area.

(14) 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.

(15) ALLOCATION OF PARKING

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

Motorcycle parking	2
Total	2

- (b) 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	2	Spaces must be in accordance with class 2 bicycle facilities

(16) 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.

(17) 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.

(18) SIGNAGE - SECURITY AND WAYFINDING

Clear signage detailing the emergency contact of the building manager is to be placed at the front of the building.

(19) 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.

(20) 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.
- (c) Appropriate measures must be undertaken to ensure that L_{Aeq} levels are not exceeded in accordance with Clause 102 of State Environmental Planning Policy (Infrastructure) 2007. The L_{Aeq} levels are as follows:
- (i) in any bedroom in the building—35 dB(A) at any time between 10pm and 7am;
 - (ii) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

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

- (a) Prior to the issue of a Construction Certificate, a revised Acoustic Report is to be submitted to and approved by Council demonstrating how the proposed development will comply with the Department of Planning's document titled 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.

- (b) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Atkins Acoustics, dated 21st April 2015, ref 45.6970.R1.Rev01:CFCD7, titled Noise Assessment Boarding House Development 145 Regent Street, Chippendale, Council Ref Trim No. 2015/264044 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 (c) and (d) below and to the satisfaction of the certifying authority.
- (c) 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 to the satisfaction of the Principal Certifying Authority which addresses the following requirements:
 - (i) Section 4.1 Glazing Rw Requirements, Table 2
 - (ii) Individual window/door manufacturers should be consulted for a specific design solution to satisfy the recommended Rw ratings in Table 2 with test performance certification.
 - (iii) In the specification and selection of doors and windows, approved Q-Lon acoustic seals or equivalent fitted to all doors/windows.
 - (iv) In the installation of door and window frames, all gaps around/between the frames and facade openings sealed airtight with silicon or similar non-hardening mastic prior to fitting any weather strips.
 - (v) All open extrusions forming perimeter frames to aluminium windows/doors detailed to ensure that the frame does not de-rate the acoustic performance of the installed window/door.
 - (vi) External walls should be detailed and extend to the underside of roof for the purpose of controlling flanking noise via openings over the walls. All gaps between underside of roof and top of external wall/eave to be in filled with stacked insulation (min. 18kg/m³) over wall for a minimum width of 300mm.
 - (vii) All joints and interfaces between elements of construction should be detailed to reduce flanking (leaking) noise through 'tight' jointing and sealing/caulking with non-hardening mastic materials.
 - (viii) All penetrations through external walls should be acoustically detailed and sealed/caulked with non-hardening mastic or equivalent.
- (d) 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.

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.

(22) 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.

(23) 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.

(24) SITES IN THE VICINITY OF EARLY BUILDINGS

The proposed works are to ensure that the building at 143 Regent Street is to be suitably protected during the construction process. The contractor or developer must conduct consultations with the stockholders of the neighbouring heritage site, record and monitor the conditions of the heritage building and take suitable measures to control and minimize any risks to the heritage fabric during construction. The protection measures should be incorporated into the construction management plan.

The protection strategy is to include:

- (a) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
- (b) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
- (c) Details of the proposed protection of party walls from damp and water ingress during the works.

(25) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

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

(26) USE OF HERITAGE CONSULTANT

- (a) 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. The heritage consultant must liaise with Council's own heritage specialist at a minimum one monthly intervals.
- (b) 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 issue of a Construction Certificate.
- (c) The completed works are to be inspected and approved by Council's own heritage specialist prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

(27) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS

Stone and bricks must be salvaged and where possible reused on the project.

Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.

(28) 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.

(29) HISTORIC MARKER

A plaque of high-quality material (e.g. bronze or stainless steel) describing the history of the site and building must be installed on the facade of the building prior to an Occupation Certificate being issued. The design, location and wording must be submitted for the approval of Director City Planning, Development and Transport prior to manufacture and installation. The marker is to be incorporated into the heritage interpretation plan if a plan is required by this consent.

(30) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

(31) DILAPIDATION REPORT – MINOR

Subject to the receipt of permission of the affected landowner, 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.

(32) 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 (LA90, 15 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.

(33) 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 Demolition, Excavation and Construction Management Plan to be approved by Council.
- (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.

(34) ALIGNMENT LEVELS – MINOR DEVELOPMENT

- (a) Where ground floor levels of existing buildings are being retained, alignment levels for the buildings and site frontages of those buildings must be submitted to and approved by Council prior to a Construction Certificate being issued for public domain works or above ground building works, whichever is earlier. The submission must be prepared by a Registered Surveyor or suitably qualified engineer 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).
- (b) If a Public Domain Plan condition applies to the development consent 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.

(35) PROTECTION OF LANDSCAPE PLANTER

The Council owned landscape garden fronting the subject site must be adequately protected during demolition and construction.

(36) 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.

(37) 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.

(38) 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.

(39) 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.

(40) 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.

(41) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 10 lineal metres of Asphalt footpath at Regent Street 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 including the Council owned landscaped planter on Regent Street.

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.

(42) 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.

(43) 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).

(44) 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.

(45) 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.

(46) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(47) 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.

(48) SERVICE SEARCHES – SYDNEY TRAINS

Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search, to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

(49) STRAY CURRENTS AND ELECTROLYSIS FROM RAIL OPERATIONS

Prior to the issue of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare an Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

(50) GEOTECHNICAL AND STRUCTURAL STABILITY AND INTEGRITY

The applicant shall provide a Geotechnical Engineering Report to Sydney Trains for review by Sydney Trains Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Train Facilities by the development.

(51) DEMOLITION, EXCAVATION AND CONSTRUCTION IMPACTS – SYDNEY TRAINS

Prior to the issue of the Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for reviews and comment on the impacts on the rail corridor. 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.

(52) DILAPIDATION SURVEYS – SYDNEY TRAINS

Prior to the commencement of works, during the works and prior to the issue of the Occupation Certificate, and the following occupation, 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 and after construction to be observed. The timing of the surveys is to be agreed upon with Sydney Trains. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

(53) 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.

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

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) and Cause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) 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.

(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) 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.

(56) 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.

(57) BASIX

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

(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.

(59) 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.

(60) 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.

(61) 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.

(62) 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.

(63) 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.

(64) 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.

(65) WASTE AND RECYCLING MANAGEMENT

- (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.

(66) BARRICADE PERMIT

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

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(67) 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.

(68) 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.

(69) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(70) 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.

(71) 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.

(72) 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.

(73) 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.

(74) 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.

(75) 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 (EHO to specify hours)
- (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.

(76) 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.

(77) 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.

(78) 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.

(79) ACCOMMODATION - REGISTRATION AND CARETAKER

Prior to the issuing of an Occupation Certificate or occupation with an Interim Occupation Certificate (whichever is earlier), Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

(80) 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 the issue of an interim occupation certificate. Registration forms are available on Council's website www.cityofsydney.nsw.gov.au or by calling Council's Health Unit on 02 92659333.

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

The Terms of Approval for concurrence as advised by the Roads and Maritime Authority are as follows:

(81) CONSTRUCTION VEHICLES

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

(82) ROAD OCCUPANCY LICENCE

A Road Occupancy Licence must be obtained from the Transport Management Centre of the Roads and Maritime Services for any works that may impact on traffic flows on Regent Street during construction activities.

(83) STORMWATER DRAINAGE DETAILS – FORWARD TO RMS

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

Note: A plan checking fee payable and a performance bond, payable to RMS may be required before an RMS approval is issued. With regard to civil work requirements, the RMS Project Engineer should be contacted on ph: 8849 2114.

Carried unanimously.

ITEM 9.13**DEVELOPMENT APPLICATION: 590-614 BOURKE STREET SURRY HILLS (D/2015/800)**

It is resolved that:

- (A) Council waive the requirement of Clause 7.20 (Development requiring or authorising preparation of a development control plan) of the Sydney Local Environmental Plan 2012;
- (B) Council waive the requirement of Clause 6.21 (Design Excellence) of the Sydney Local Environmental Plan 2012;
- (C) Council support the variation to Clause 4.3 (Building Height) of the Sydney Local Environmental Plan 2012; and
- (D) in accordance with Section 89(1)(b) of the Environmental Planning and Assessment Act 1979, consent be granted to Development Application No. D/2015/800, subject to the following conditions, which have been agreed upon by the Department of Education on 13 November 2015:

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) REFERENCE TO CERTAIN TIMES

As this is Crown Development:

- (a) Any reference to an Occupation Certificate (OC) in these conditions is a reference to the occupation of the development; and
- (b) Any reference to the Certifying Authority is a reference to an accredited certifier.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/800 dated 12 June 2015 and the following drawings:

Drawing Number	Architect	Date
DA000 Issue A	Group GSA	12 June 2015
DA1102 Issue B	Group GSA	2 September 2015
DA1103 Issue B	Group GSA	2 September 2015

Drawing Number	Architect	Date
DA2000 Issue A	Group GSA	12 June 2015
DA2001 Issue A	Group GSA	12 June 2015
DA2002 Issue A	Group GSA	12 June 2015
DA2003 Issue A	Group GSA	12 June 2015
DA3000 Issue A	Group GSA	12 June 2015
DA3001 Issue A	Group GSA	12 June 2015
DA3100 Issue A	Group GSA	12 June 2015
DA4000 Issue A	Group GSA	12 June 2015
DA4100 Issue A	Group GSA	12 June 2015
L7000 Issue A	Group GSA	18 June 2015
L7010 Issue A	Group GSA	18 June 2015
L7101 Issue A	Group GSA	18 June 2015
L7102 Issue A	Group GSA	18 June 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.

(3) SUBSTATION – NO APPROVAL

No approval is granted to the substation located on the north-eastern corner of the subject site.

(4) MATERIALS AND SAMPLES BOARD AND ADDITIONAL DETAILING

- (a) The materials and samples board, prepared by Group GSA and submitted to Council on 12 June 2015 is approved. Should the materials and samples, of the approved development, be modified. A new materials and samples board, detailing the new proposed finishes, must be submitted to and approved by the Council's Area Planning Manager prior to commencement of work.
- (b) Details, including materials of the proposed fencing along the site boundaries are to be submitted and approved by Council's Director City Planning, Development and Transport prior to commencement of the fencing work.

(5) 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 final staged occupation of the building.

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

(6) 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".

(7) BICYCLE PARKING

At least fifteen (15) Class 3 bicycle rails are to be provided within the school grounds.

(8) CHANGES TO KERB SIDE PARKING RESTRICTIONS

Any changes to kerb side parking arrangements requires a separate submission to be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit. There is no guarantee kerb side parking will be changed or that any change will remain in place for the duration of the 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.

Please contact the Area Traffic Engineer to discuss the proposal before making a submission.

(9) 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.

(10) ON SITE LOADING AREAS AND OPERATION

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

Parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including garbage storage.

(11) 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.

(12) NOISE - GENERAL

- (a) The emission of noise associated with the development 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.

SCHEDULE 1B**PRIOR TO COMMENCEMENT OF WORK/HEALTH AND BUILDING****(13) HERITAGE INTERPRETATION PLAN**

- (a) An interpretation plan for the history of the school, including those buildings to be demolished must be submitted to Council's Urban Design and Heritage Manager for comment, prior to the relevant stage of the works. 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 historic school 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 the final staged occupation of the building, the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager.

(14) 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 as far as practical.

(15) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to commencement of work, an archival photographic recording of the buildings to be altered or demolished, is to be submitted to Council for comment. 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.

(16) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS

Stone and bricks demolished from the original masonry fence, original part of building B, and stone and joinery from building E, are to be salvaged and where possible reused on the project.

Salvaged building materials, which are deemed to be usable, surplus to the project may either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.

(17) 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 subject to the agreement by the Principal Contractor who has overall security and WHS responsibility for the site.

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 final staged occupation of the works.

(18) 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.

(19) PROTECTION OF PUBLIC FEATURES IN CONSERVATION AREAS

The proposed work must take measures to protect existing street furniture and features on the public land including street and laneway stone curbs and gutters. If they need to be interrupted during process of construction, they must be properly recorded and reinstated to the original condition.

(20) 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.

(21) 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.

(22) 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.

(23) 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.

(24) COMPLIANCE WITH HAZARDOUS BUILDING MATERIALS SURVEY

All recommendations contained in the Hazardous Building Materials Survey reference no. S8347, dated October 2014 and prepared by Hibbs & Associates Pty Ltd must be implemented, including the following:

- (a) Remediation works are to be undertaken for the control of hazardous materials identified on site. The works are as follows:

Location of Hazardous Material	Priority Rating	Recommendations
B00A, internal, AR0009, Walls – Beige coloured deteriorating lead based paint system.	Priority L2: Potential Elevated Risk Level	Remove flaking paint and seal with non-lead based paint.
B00B, internal, BR1006, Walls (minor deteriorating) – Cream coloured deteriorating lead based paint system.	Priority L2: Elevated Risk Level	Remove areas of flaking paint and seal with non-lead based paint.

- (b) That all asbestos containing materials be labelled in accordance with requirements of the Safe Work Australia “How to Management and Control Asbestos in the Workplace – Code of Practice, 2011”.
- (c) That any works which may disturb potential lead based paint systems, be conducted in accordance with the requirements of Australian Standard AS 4361.2 1998 “Guide to lead paint management, Part 2: residential and commercial buildings”.
- (d) Prior to the final staged occupation of the works, an Asbestos Management Procedures to minimise the potential for future damage of the asbestos materials is to be prepared. The plan should be prepared by a suitably qualified environmental consultant with experience in hazardous materials and should include regular inspections in accordance with the recommendations contained in Appendix 1 of the Hazardous Building Materials Survey reference no. S8347, dated October 2014 and prepared by Hibbs & Associates Pty Ltd.

(25) 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, 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 commencement of work.

The location and installation of the substation must not impact on any trees, proposed to be retained. All works affecting adjoining trees must be approved by the project Arborist prior to the installation of the substation kiosk.

(26) 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 commencement of 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 Council for comment. 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 submitted to Council, are to be incorporated into the plans submitted with the application for a Commencement of work 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 commencement of public domain work.

(27) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition being granted a photographic recording of the public domain site frontages is to be prepared and submitted to Council for comment.

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 the occupation of the building, whichever is earlier.

(28) 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 Commencement of work, 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).

(29) 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.

(30) PUBLIC DOMAIN PLAN

- (a) Prior to the commencement of works to the new building, a detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer, addressing the impacts to all new and redundant entries only.
- (b) The plan must be lodged with Council's Public Domain Section and be approved by Council's Area Planning Manager prior to commencement of the construction of the new building. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).
- (c) The Plan must document all required works to the new and redundant entries only, in accordance with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification. 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 commencement of public domain work.
- (d) 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 the occupation of the building.
- (e) 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.
- (f) 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 commencement of work.
- (g) 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.

(31) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to commencement of 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 before the occupation of the building, 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.

(32) 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.

(33) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heel guard 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 commencement of work for the relevant stage of work.

(34) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to commencement of any excavation, civil construction, or drainage works (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development must be submitted to Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) 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.
- (c) Prior to commencement of any excavation, civil construction, drainage or works associated with the stormwater (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 final staged occupation of the works, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to Council.

(35) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Parkham Street and Mort Street frontage[s] 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 occupation of the building. 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.

(36) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 113.29 lineal metres of Asphalt 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 commencement of demolition work.

The Bank Guarantee will be retained in full until the occupation of the building 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.

(37) 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.

(38) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan taking into account construction associated with the CBD and South East Light Rail project must be submitted to and approved by Council prior to commencement of work.

(39) 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 commencement of work.

(40) 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).

(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) 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.

(43) 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.

(44) 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.

(45) FOOD PREMISES - HEALTH DATABASE REGISTRATION

The business is to be registered with Council's Health and Building Unit prior to the commencement of the canteen use.

Note: Registration forms are available on Council's website
www.cityofsydney.nsw.gov.au.

(46) GREASE TRAPS

A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. The grease trap room must have a piped connection to the boundary so that it can be emptied. Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.

(47) PERSONAL LOCKERS

Clothing lockers or change rooms for male and female staff must be provided in the canteen or a dedicated, separate and isolated space for personal items must be provided in a separate location to the food handling and storage areas.

(48) SANITARY FACILITIES – FOOD PREMISES

The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the Building Code of Australia, Part F 3.1, 4.8 and 4.9.

(49) VENTILATION REQUIRED (MECHANICAL) - VERTICAL DISCHARGE ONLY

The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or AS1668.2 – 2012 if the discharge point is vertical or an alternative solution satisfying the performance objectives of the Building Code of Australia. No approval is granted for the burning of charcoal and solid fuel.

(50) DETAILED PLANS OF FOOD FITOUT REQUIRED

Detailed plans of the kitchen, bar and food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fitout of Food Premises and must be submitted to and approved by Council prior to commencement of work.

(51) WASTE ROOMS

- (a) To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – Design, Construction and Fitout of Food Premises, and must be:
 - (i) Provided with a hose tap connected to the water supply;
 - (ii) Paved with impervious floor materials;
 - (iii) Coved at the intersection of the floor and walls;
 - (iv) Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
 - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
 - (vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
- (b) Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Commencement of work.

(52) 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.

(53) 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 Commencement of work.

- (c) Prior to 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.

(54) 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.

(55) STREET TREE PROTECTION

Street trees in the immediate surroundings of the construction site, must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. These 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.

(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) 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 prior to the occupation of the building, whichever is earlier.

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

Prior to the commencement of building work, 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).

(60) 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 installation of planting for the green roof. 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 installation of planting to the green roof, 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 final staged occupation of the works.
- (d) Prior to the final staged occupation of the works, a maintenance plan is to be prepared. 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.

(61) TREES APPROVED FOR REMOVAL

Trees numbered 9 and 27-36 on the General Arrangements Plan (dwg No L7101 & L7102) dated 18 August 2015 be removed during the development works on the subject site.

The trees listed above are to be removed only where they affect the approved development.

(62) TREES THAT MUST BE RETAINED

Trees numbered 5-8, 10-22, 25-26, and 37 on the General Arrangements Plan (dwg No L7101 & L7102) dated 18 August 2015 must be retained and protected throughout the relevant stages of the proposed development.

(63) REMOVAL OF CAMPHOR LAUREL TREE

- (a) Prior to the commencement of the relevant work, a detailed landscape plan showing the location of the replacement planting, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to the Director City Planning, Development and Transport for comment.
- (b) The plan must include the following:
 - (i) The location, numbers, type and plant species of the following replacement planting:

Quantity	Botanic Name	Common Name	Installation Size
4	Syzygium Australe	Lilly Pilly	100Lt
1	Corymbia Eximia	Yellow Bloodwood	100Lt

- (ii) Details of planting procedure and maintenance; and
- (iii) Details of drainage, waterproofing and watering systems.
- (c) The *Cinnamomum Camphora* (Camphor Laurel) tree, marked T9 in the Arboricultural Impact Assessment prepared by New Leaf Arboriculture and dated 30 September 2015, is contingent on the planting of the replacement trees and cannot be removed prior to approval by the Director City Planning, Development and Transport .

- (d) The replacement planting must be completed prior to the final stage of the works.

(64) 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. Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. The tree protection zones, including the location of tree protection fencing, must be undertaken in consultation with the Project Arborist.
- (b) Each TPZ must be:
 - (i) Enclosed with a 1200mm high barrier. The barrier must be secure and fastened to prevent movement. Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing;
 - (ii) Have two signs identifying the name and contact details of the site Arborist attached facing outwards in a visible position. All signs must remain in place throughout all work on site; and
 - (iii) No items are permitted to be stored within the TPZ.
- (c) Where construction access is required through any tree TPZ, ground surface protection shall be installed in accordance with the following:
 - (i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
 - (ii) The protective boarding must be left in place for the duration of the relevant works.
- (d) The following works must be excluded from within any TPZs:
 - (i) Soil cut or fill including excavation and trenching (except for localised siting of piers and removal existing asphalt);
 - (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.

(65) TREE ROOT PROTECTION

- (a) Excavations for the footings for new play equipment, seating and low garden walls must be undertaken using non-destructive methods (such as an Airspade) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.
- (b) Footings shall be relocated / realigned if any tree root greater than 40mm in diameter is encounter during excavations. A minimum of 150mm clearance shall be provided between the tree root and footing.
- (c) Excavations for any pier and beam footings located within the Tree Protection Zone (TPZ), must be supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework.
- (d) The consent from the Project Arborist must be obtained prior to the undertaking of any root pruning greater than 40mm in diameter.
- (e) All root pruning must be undertaken by a qualified Arborist with a minimum AQF level 3.

(66) 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 commencement of the relevant work;
 - (ii) During demolition of any ground surface materials located within the Tree Protection Zone (TPZ) of any tree listed for retention;
 - (iii) During any excavation, trenching and construction within the TPZ of any tree listed for retention;
- (b) A final 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).

(67) EMERGENCY PLAN – FLOODING

- (a) Prior to the initial occupation of the new building, an Emergency Plan must be prepared to address the flooding, during storm events greater than 100-year ARI. The Plan should include warning and evacuation procedures as recommended in the Flooding Assessment Report prepared by Taylor Thomson Whitting (NSW) Pty Ltd and dated 19 August 2015.
- (b) The relevant operators of the school are responsible for ensuring that emergency action is undertaken in accordance with the plan.

(68) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION OF BUILDING

- (a) An accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model within 3 months from the date of the final occupation of the building.
- (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 1C**DURING CONSTRUCTION/PRIOR TO COMPLETION****(69) HOURS OF WORK AND NOISE – OUTSIDE CBD**

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

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

(70) LOADING AND UNLOADING DURING CONSTRUCTION

All loading and unloading associated with construction activity must be accommodated on site.

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. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work. An approval for a Works Zone may be given for a specific period and/or certain hours of the day to meet the needs of the site for various stages of construction. The approval will be reviewed periodically for adjustments necessitated by the progress of construction activities.

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.

(71) 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.

(72) USE OF MOBILE CRANES

Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building. For special operations (such as delivery of materials, hoisting of equipment, etc) 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.

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.

(73) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(74) 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.

(75) 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.

(76) 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.

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

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

(b) Installation requirements

- (i) Rainwater tanks shall be designed to include, but not be limited to the following:-
- (ii) Rainwater tanks shall be fixed to structurally adequate bases or walls in accordance with manufactures specifications or engineers details.

- (iii) Shall not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without prior approval be adjacent land owners.
- (iv) All roof gutter downpipes must be fitted with a first flush device in accordance with the manufacturer's recommendations.
- (v) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
- (vi) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
- (vii) Shall have an overflow device being fitted to the rainwater tank which directs water into an existing stormwater drainage system, and shall have a suitable drainage plug/tap fitted and positioned in a manner that facilitates flushing and cleaning.
- (viii) The water supply system from a rainwater tank shall be clearly marked at intervals not exceeding 500 mm with the word 'RAINWATER' in contrasting colour, in accordance with AS 1345. Water outlets shall be identified as 'RAINWATER', or with a rainwater tap identified by a green coloured indicator with the letters 'RW'.
- (ix) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.

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

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

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

(c) Proximity to other services

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

- (d) Marking and labelling
- (i) Above ground distribution pipes shall be continuously marked 'RAINWATER' in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled 'RAINWATER' made in accordance with AS 1345 can be used.
 - (ii) Below ground distribution pipes shall be continuously marked 'RAINWATER' at intervals not exceeding 500mm in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked 'RAINWATER' made in accordance with AS 2648 can be used.
 - (iii) All rainwater tank outlets, taps, valves and tank apertures shall be identified as 'RAINWATER' with a sign complying with AS1319 or a green coloured indicator with the letters 'RW'. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.
- (e) Maintenance
- (i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 "Use of rainwater tanks where a reticulated potable supply is available" and any other local water utility requirements.
 - (ii) The rainwater collection system shall be constantly maintained in accordance to the manufacturer's instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including legionella and organisms.

SCHEDULE 2

PRESCRIBED CONDITIONS

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

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

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

Carried unanimously.

ITEM 9.14**DEVELOPMENT APPLICATION: 160-166 SUSSEX STREET SYDNEY (D/2015/1274)**

It is resolved that consent be granted to Development Application No. D/2015/1274, subject to the conditions as detailed in the subject report.

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.

Carried unanimously.

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

It is resolved that consent be granted to Development Application No. D/2015/1274, 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/2015/1274 dated 3 September 2015 and the following drawings:

Drawing Number	Architect	Date
A000 Revision H	Outkast	28 September 2015
A050 Revision H	Outkast	28 September 2015
A060 Revision H	Outkast	28 September 2015
A067 Revision H	Outkast	28 September 2015
A070 Revision H	Outkast	28 September 2015
A077 Revision H	Outkast	28 September 2015
A080 Revision H	Outkast	28 September 2015
A090 Revision H	Outkast	28 September 2015

Drawing Number	Architect	Date
A097 Revision H	Outkast	28 September 2015
A098 Revision H	Outkast	28 September 2015
A100 Issue F	Outkast	6 August 2015
A107 Issue F	Outkast	6 August 2015
A108 Issue F	Outkast	6 August 2015
A200 Revision H	Outkast	28 September 2015
A207 Revision H	Outkast	28 September 2015
A208 Revision H	Outkast	28 September 2015
A300 Revision H	Outkast	28 September 2015
A303	Outkast	15 March 2014
A350 Revision H	Outkast	28 September 2015
A400 Revision H	Outkast	28 September 2015
A410 Revision H	Outkast	28 September 2015
A411 Revision H	Outkast	28 September 2015
A700 Revision H	Outkast	28 September 2015

and as amended by the conditions of this consent.

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

(2) USE MUST BE CONSISTENT WITH BASE USE CONSENT

The operation and use of the basement must be in accordance with conditions of consent for the overall educational establishment approved under development application D/2013/1807.

(3) HOURS OF OPERATION - MINOR DEVELOPMENT

The hours of operation of the basement are restricted to between 8.30am and 9.30pm Monday to Saturday.

(4) PLAN OF MANAGEMENT

The use of the basement must always be operated / managed in accordance with the Plan of Management, prepared by Milestone signed and dated September 2015.

(5) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 10.55:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 9,011sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that 377sqm of heritage floor space was allocated (purchased and transferred) to the development, being additional floor space created by Development Application D/2015/1274.

(6) 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.

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

A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act 1988 and the Central Sydney Contribution (Amendment) Plan 2002/ Central Sydney Development Contributions Plan 2013 in accordance with the following:

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney - Cost Summary Report" indicating the itemised cost of the development must be completed and submitted to Council by the Certifying Authority (CA) together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney - Cost Summary Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

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

SCHEDULE 1B**Prior to Construction 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.

(9) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(10) 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.

(11) MECHANICAL VENTILATION

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

(12) 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.

(13) WASTE AND RECYCLING MANAGEMENT - MINOR

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

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(14) 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.

(15) HOURS OF WORK AND NOISE – CBD

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

- (a) All work, including demolition, excavation and building 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 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, 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.

(16) 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.

(17) 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) 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.

(18) NO OBSTRUCTION OF PUBLIC WAY

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

SCHEDULE 2

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

ITEM 10 NAGOYA FESTIVAL AND 35TH ANNIVERSARY SISTER CITY CELEBRATION - TRAVEL REPORT BY COUNCILLOR DOUTNEY AND COUNCILLOR GREEN (S050647)

Moved by Councillor Doutney, seconded by Councillor Green -

It is resolved that the Report on Travel to the Nagoya Festival, as shown at Attachment A to the subject report, be received and noted.

Carried unanimously.

ITEM 11 PROPOSED NAMING OF AN UNNAMED ROAD OFF NELSON STREET, ANNANDALE (X000571)

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

It is resolved that:

- (A) approval be given to advertise, for a minimum period of 28 days, the proposed name of "Dalgai Way", for the unnamed public road linking Nelson Street, Annandale with the Harold Park Tramsheds development in Forest Lodge; and
- (B) a further report be submitted to Council, on the results of advertising and public consultation, at the end of the advertising period.

Carried unanimously.

ITEM 12 ALCOHOL RESTRICTIONS AND THE KINGS CROSS LICENCE FREEZE (S112299.014)

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

It is resolved that Council:

- (A) approve the following temporary alcohol prohibited area for New Year's Eve 2015/16 from 31 December 2015 to 2 January 2016:
 - 1. Beare Park, Elizabeth Bay;
- (B) approve the following alcohol restrictions for establishment 24 hours a day, seven days per week until 2 July 2016:

KINGS CROSS LOCAL AREA COMMAND

Proposed alcohol free zone areas

- 1. Burton Street from Bourke Street to Forbes Street;
- 2. Bourke Street from Burton Street to Oxford Street;
- 3. Darlinghurst Road from Bayswater Road to Liverpool Street;
- 4. Foley Street from Bourke Street to Burton Street;

5. Forbes Street from Burton Street to Oxford Street;
6. Victoria Street from Bayswater Road to Burton Street;
7. Burton Street from Crown Street to Oxford Street;
8. Francis Lane from College Lane to Riley Street;
9. Liverpool Street from Yurong Street to Crown Street;
10. Norman Street from Yurong Street to Riley Street;
11. Riley Street from Oxford Street to William Street;
12. Stanley Street from Yurong Street to Crown Street;
13. William Street from Crown Street to Yurong Street;
14. Yurong Lane from Crown Street to Yurong Street;
15. Yurong Street from Norman Street to William Street;
16. Barncleuth Lane from Roslyn Street to Barncleuth Square;
17. Barncleuth Square from Darlington Road to Ward Avenue;
18. Bayswater Road from Darlington Road to Kings Cross Road;
19. Darlington Road from Victoria Street to Ward Avenue (includes road closure adjacent to Fitzroy Gardens);
20. Goderich Lane from Pennys Lane to Ward Avenue;
21. Kellett Place cul-de-sac;
22. Kellett Street from Bayswater Road to Ward Avenue;
23. Kellett Way from Kellett Street to Roslyn Street;
24. Kings Cross Road from Victoria Street to Roslyn Street;
25. Mansion Lane cul-de-sac;
26. Pennys Lane from Kings Cross Road to Bayswater Road;
27. Roslyn Street from Darlington Road to Kings Cross Road;
28. Ward Avenue from Barncleuth Square to Kings Cross Road;
29. Earl Place from Earl Street to Springfield Avenue;
30. Earl Street from Victoria Street to Orwell Street;
31. Hughes Lane from Orwell Street to Hughes Street;
32. Hughes Place cul-de-sac;

33. Hughes Street from Victoria Street to Macleay Street;
34. Llankelly Place from Darlinghurst Road to Orwell Street;
35. Orwell Lane from Orwell Street to Hughes Street;
36. Orwell Street from Macleay Street to Victoria Street;
37. Springfield Avenue from Darlinghurst Road (Springfield Plaza) to Springfield Mall;
38. Springfield Mall including Springfield Lane from Llankelly Place to Earl Street;
39. All streets and laneways bounded by and including Cathedral Street, Forbes Street, Palmer Street and William Street, including Bourke Street, Burrahpore Lane, Corfu Street, Cross Lane, Egan Place, St Kilda Lane, Talbot Place and William Lane;
40. Dowling Street from Pring Street to Cowper Wharf Road;
41. Nesbitt Street;
42. Forbes Street from Cowper Wharf Road to William Street;
43. Nicholson Street from Dowling Street to Bourke Street;
44. Sydney Place bounded by Stephen Street and the Hills Stairs, McElhone Street;
45. McElhone Street from William Street to Sydney Place;
46. Brougham Lane from Brougham Street to McElhone Street;
47. Sir John Young Crescent;
48. Macleay Street from Darlinghurst Road to Wylde Street;
49. Victoria Street from Darlinghurst Road to MacDonald Lane;
50. Brougham Street from Brougham Lane to Rae Place;
51. Brougham Street from Rae Place to Cowper Wharf Road;
52. Brougham Street from William Street to Brougham Lane;
53. Brougham Lane from Victoria Street to Brougham Street;
54. Dowling Street from northern side of railway viaduct to Sydney Place;
55. Francis Street from Riley Street to College Street;
56. Liverpool Street from Yurong Street to College Street;
57. Kings Lane between Riley Street and Crown Street;
58. Little Burton Street;

LEICHHARDT POLICE LOCAL AREA COMMAND

Proposed alcohol free zone areas

- 59. Darling Street from Bridge Road to St. Johns Road;
- 60. Darling Lane;
- 61. Darghan Street from Bridge Road to St. Johns Road;
- 62. Lyndhurst Street from Colbourne Avenue to Wentworth Park Road;

REDFERN POLICE LOCAL AREA COMMAND

- 63. Louis Street;
- 64. Eveleigh Street from Caroline Street to Vine Street;
- 65. Vine Street from Louis Street to Eveleigh Street;

NEWTOWN POLICE LOCAL AREA COMMAND

Proposed alcohol free zone areas

- 66. Bucknell Street from King Street to Wilson Street;
- 67. Wilson Lane;
- 68. Egan Street from Prospect Street to Mechanic Street;
- 69. Victoria Street from Hordern Street to O'Connell Street;

SURRY HILLS POLICE LOCAL AREA COMMAND

Proposed alcohol free zone areas

- 70. Cleveland Avenue cul de sac;
- 71. Foster Lane;
- 72. Blackburn Street from Elizabeth Street to Foster Street;
- 73. Wright Lane from Mary Street to Reservoir Street;
- 74. Reservoir Lane from Reservoir Street to Ann Street;
- 75. Lower Campbell Street from Riley Street to Campbell Street;
- 76. Wade Place from Ann Street to Little Albion Street;
- 77. Alexander Lane;
- 78. Arthur Street from Crown Street to Alexander Street;

79. All streets and laneways bounded by Albion Street, Crown Street, Flinders Street and Oxford Street; including Bloomfield Lane, Bloomfield Street, Bourke Street, Campbell Street, Church Lane, Clare Street, Denham Lane, Denham Street, Floods Place, Hill Street, Jesmond Street, Linden Lane, Little Bloomfield Street, Little Bourke Street, Little Oxford Street, Maiden Lane, Marys Place, Patterson Lane, Ryder Street, Short Place, Short Street, Taggarts Lane and Taylor Square;
80. Albion Street from Elizabeth Street to Flinders Street;
81. Arnold Place from Riley Street to Crown Street;
82. Brisbane Street from Oxford Street to Goulburn Street;
83. Bourke Street from Oxford Street to Foveaux Street;
84. Campbell Street from Riley Street to Flinders Street;
85. Chalmers Street from Elizabeth Street to Cleveland Street;
86. Chisholm Street from Taylor Street to Hannam Street;
87. Collins Lane from Collins Street to Rainford Street;
88. Collins Street from Riley Street to Alexander Street;
89. Alexander Street from Collins Street to Arthur Street;
90. Crown Street from Fitzroy Street to Arthur Street;
91. Crown Street from Oxford Street to Albion Street;
92. Elizabeth Street from Albion Street to Cleveland Street;
93. Fitzroy Street from Bourke Street to Anzac Parade;
94. Foster Street from Hunt Street to Elizabeth Street;
95. Foveaux Street from Elizabeth Street to Bourke Street;
96. Goulburn Street from Brisbane Street to Crown Street;
97. Hands Lane from Reservoir Street to Foster Street;
98. Mary Street from Foveaux Street to Campbell Street;
99. Oxford Street from Greens Road to Whitlam Square;
100. Pelican Street from Oxford Street to Goulburn Street;
101. Poplar Street from Brisbane Street to Pelican Street;
102. Richards Lane from Foveaux Street to Collins Street;
103. Riley Street from Oxford Street to Albion Street;

104. Sims Street from Chisholm Street to Hannam Street;
105. Taylor Street from Flinders Street to South Dowling Street;
106. Waine Street from Pelican Street to Riley Street;
107. Flinders Street from Albion Street to Bourke Street (Taylor Square);
108. Little Albion Street;
109. Crawford Place;
110. Little Riley Street from Anne Street to Mackey Street;
111. Reservoir St between Elizabeth and Commonwealth Street;
112. Beauchamp Lane between Reservoir Street and Commonwealth Street;
113. Batman Lane between Reservoir Street and Campbell Street;
114. Ann Street;
115. Batman Lane from Reservoir Street to Ann Street;
116. Beauchamp Lane from Reservoir Street to Hunt Street;
117. Brisbane Street from Goulburn Street to Commonwealth Street;
118. Campbell Street from Riley Street to Mary Street;
119. Commonwealth Street;
120. Crown Street from Cleveland Street to Arthur Street;
121. Goodchap Street;
122. Goulburn Lane;
123. Hunt Street from Campbell Street to Wentworth Street;
124. Little Riley Street from Campbell Street to Mackey Street;
125. Little Smith Street;
126. Mackey Street;
127. Nickson Street from Cleveland Street to Devonshire Street;
128. Reservoir Street from Crown Street to Commonwealth Street;
129. Samuel Street;
130. Smith Street; and

- (C) not grant new footway approvals or approvals that intensify use for premises that are subject to the Kings Cross licence freeze, as outlined in the Liquor Act 2007, until such time as the liquor freeze provisions in the Liquor Act 2007 no longer apply to these areas.

The motion was carried on the following show of hands –

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

Noes (1) Councillor Doughty.

Motion carried.

**ITEM 13 DEVELOPMENT APPLICATION: 153-165 BROUGHAM STREET
WOOLLOOMOOLOO (D2014/1890)**

Moved by Councillor Mant, seconded by Councillor Green –

It is resolved that Council grant deferred commencement consent to Development Application No. D/2014/1890, in accordance with the conditions contained in the report to the Planning and Development Committee on 17 November 2015, subject to the amendment of Condition (4) in Part B – Conditions of Consent (Once the Consent is in Operation) as follows (with additions shown in ***bold italics*** and deletions shown in ~~strikethrough~~):

(4) DESIGN MODIFICATIONS

The design of the new building must be modified as follows:

- (a) The awning extending over the terrace area of Unit 501 ***in the north eastern corner*** must be modified and setback or deleted in its entirety to reduce view loss impacts to 120-130 Brougham Street, Potts Point. ***In addition, the raked (mansard sloping form) of the wall in the northern and eastern elevations is to be amended to a vertical alignment.***
- (b) ***The sandstone finish to the wall facing McElhone Street must extend so as to return to the southern elevation wall facing 167-183 Brougham Street.***
- (c) ***The south-eastern corner of the building at the front entry is to be setback 1600mm from the southern boundary for the full height of the building generally in accordance with Option A in Attachment A to the Memo dated 14 December 2015 from the Director City Planning, Development and Transport, and circulated prior to the meeting of Council. The setback space in-between the buildings is to be utilised and maintained as a garden area with low to medium height landscaping. The purpose of this setback and planting is to maintain light and air to the neighbouring property car entry area behind the shutter.***

~~The m~~Modifications **to the plans** are to be submitted to and approved by Council's Area Planning Manager **the Director City Planning, Development and Transport** prior to the issue of a Stage CC2 Construction Certificate.

Carried unanimously.

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

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/2014/1890, subject to the following:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(1) SYDNEY TRAINS

The Applicant shall provide to the satisfaction of the Council, approval/certification from Sydney Trains addressing the following items:

- (a) Numerical modelling which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
- (b) Further information about the adjacent building and its interaction with the tunnel and proposed development. Review of potential destabilisation of the adjacent building is recommended for inclusion during numerical modelling as required in item (i) above.
- (c) Revised geotechnical report to contain recommendations on vibration limits during excavation and measure that may be required to limit vibration and its impacts on the rail tunnel.

Any conditions issued as part of the Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

- (B) evidence that will sufficiently enable Sydney Trains to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council with 2 years of the date of this deferred commencement consent, failing which this deferred commencement consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (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, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

PART B – CONDITIONS OF CONSENT (ONCE 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) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2014/1890 dated 09/12/2014 and the following drawings:

Drawing Number	Architect	Date
DA-60 (Issue A)	WMK Architecture	19/11/2014
DA-61 (Issue B)	WMK Architecture	23/03/2015
DA-62 (Issue B)	WMK Architecture	23/03/2015
DA-63 (Issue C)	WMK Architecture	07/08/2015
DA-64 (Issue A)	WMK Architecture	19/11/2014
DA-70 (Issue A)	WMK Architecture	19/11/2014
DA-71 (Issue A)	WMK Architecture	19/11/2014
DA-80 (Issue A)	WMK Architecture	19/11/2014
DA-098 (Issue D)	WMK Architecture	01/10/2015
DA-099 (Issue E)	WMK Architecture	01/10/2015
DA-100 (Issue E)	WMK Architecture	01/10/2015
DA-101 (Issue D)	WMK Architecture	07/09/2015
DA-102 (Issue D)	WMK Architecture	07/09/2015
DA-103 (Issue D)	WMK Architecture	07/09/2015
DA-104 (Issue D)	WMK Architecture	07/09/2015
DA-105 (Issue B)	WMK Architecture	07/09/2015
DA-501 (Issue F)	WMK Architecture	12/10/2015

Drawing Number	Architect	Date
DA-502 (Issue F)	WMK Architecture	12/10/2015
DA-600 (Issue G)	WMK Architecture	12/10/2015
DA-601 (Issue G)	WMK Architecture	12/10/2015
DA-603 (Issue C)	WMK Architecture	07/09/2015
DA-604 (Issue D)	WMK Architecture	07/09/2015
DA-605 (Issue E)	WMK Architecture	12/10/2015
DA-802 (Issue A)	WMK Architecture	20/11/2014
Telford House Floor Plans & Elevations	Architectural Projects	11/08/2015
OC-L-001 (Rev C)	Oculus Landscape Architecture	15/04/2015
OC-L-002 (Rev A)	Oculus Landscape Architecture	15/04/2015
OC-L-003 (Rev C)	Oculus Landscape Architecture	15/04/2015
OC-L004 (Rev C)	Oculus Landscape Architecture	25/09/2015

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) SYDNEY TRAINS

The requirements and conditions of Sydney Trains that arise from satisfaction of Part A of the consent, should be complied with and/or satisfied as part of the development.

(3) STAGING OF CONSTRUCTION

- (a) The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a construction certificate for each stage as follows:

Stage	Works	Conditions to be satisfied
CC1	Demolition works	12, 13, 15, 23, 48, 51, 69, 70, 78
CC2	All other works and construction works	4, 14, 21, 24, 39, 46, 47, 50, 55, 56, 59, 65, 66, 68, 72, 73, 74, 76, 79, 89, 90, 91, 92

- (b) In addition to those conditions identified in the above table, other conditions may be required to be satisfied prior to the issue of a construction certificate at the each stage of construction.
- (c) Any reference to 'A Construction Certificate' or 'An Occupation Certificate' relates to the first Construction Certificate and/or Occupation Certificate unless a Stage is nominated elsewhere in that particular condition. In all other cases, conditions are to be satisfied as specifically stated as either Stage CC1 or Stage CC2.

(4) DESIGN MODIFICATIONS

The design of the new building must be modified as follows:

- (a) The awning extending over the terrace area of Unit 501 in the north eastern corner must be modified and setback or deleted in its entirety to reduce view loss impacts to 120-130 Brougham Street, Potts Point. In addition, the raked (mansard sloping form) of the wall in the northern and eastern elevations is to be amended to a vertical alignment.
- (b) The sandstone finish to the wall facing McElhone Street must extend so as to return to the southern elevation wall facing 167-183 Brougham Street.
- (c) The south-eastern corner of the building at the front entry is to be setback 1600mm from the southern boundary for the full height of the building generally in accordance with Option A in Attachment A to the Memo dated 14 December 2015 from the Director City Planning, Development and Transport, and circulated prior to the meeting of Council. The setback space in-between the buildings is to be utilised and maintained as a garden area with low to medium height landscaping. The purpose of this setback and planting is to maintain light and air to the neighbouring property car entry area behind the shutter.

Modifications to the plans are to be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of a Stage CC2 Construction Certificate.

(5) LANDSCAPING AND ASSOCIATED STRUCTURES TO TERRACE OF UNIT 501

At no time are any additional structures to be constructed to the terrace area of Unit 501. All landscaping must be low height and not extend above the approved balustrade height. An updated landscaping plan must be submitted reflecting this requirement as specified under Condition 90.

(6) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 44.145 (AHD) to the top of the lift overrun and RL 43.645 (AHD) to the top of the roof 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.

(7) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the site must not exceed 1.5:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area is 2,931.95sqm for the entire site. The total Gross Floor Area for the new development is 2343.5sqm.
- (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 the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(8) FLOOR SPACE RATIO AND HEIGHT RESTRICTION

Prior to the issue of an Occupation Certificate, a Restrictive Covenant must be created, pursuant to Section 88B of the Conveyancing Act 1919, burdening the development site and all lots in Strata Plan 16624, limiting the total Gross Floor Area and height of the buildings occupying the development site and Strata Plan 16624 to be EITHER:

- (a) no more than the total approved Gross Floor Area and height of the development approved in Development Application D/2014/1890 (in the case of the development approved by this DA); or
- (b) no more than the total Gross Floor Area and height of the buildings contained in Strata Plan 16624 (in the case of the heritage buildings contained within Strata Plan 16624).

The Restriction is to be created appurtenant to Council, in terms to the satisfaction of Council, with the Council being the authority to release, vary or modify the restriction.

(9) CONSERVATION WORKS

The Conservation works for Telford Place and the 'Calidad' building outlined in the Conservation Works and Maintenance Schedule prepared by Architectural Projects dated 8 August 2015 are to be carried out to the satisfaction of Council prior to the issue of an Occupation Certificate.

(10) CYCLICAL MAINTENANCE PLAN

A cyclical maintenance plan for Telford Place, the Victorian terraces and the 'Calidad' building must be prepared in accordance with the NSW Heritage Council Maintenance of Heritage Assets Guidelines and submitted to the satisfaction of Council's Urban Design and Heritage Manager prior to the issue of an occupation certificate. It is to guide future maintenance of the site which is to be carried out regularly by the owners/operators of the site.

(11) POSITIVE COVENANT – CYCLICAL MAINTENANCE PLAN

Prior to the issue of an Occupation Certificate, a documentary Positive Covenant is to be created burdening the development site, pursuant to Section 88B of the Conveyancing Act 1919 and appurtenant to Council, in terms to the satisfaction of Council requiring the compliance with the obligations and requirements of the Cyclical Maintenance Plan for Telford Place, the Victorian terraces and the 'Calidad' building. The Cyclical Maintenance Plan is to be prepared in accordance with the NSW Heritage Council Maintenance of Heritage Assets Guidelines and is to guide future maintenance of the site which is to be carried out at regular intervals by the owners of all lots.

(12) 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	\$24,493.71
Public Domain	\$47,226.33
New Open Space	\$384,249.87
Accessibility	\$3,876.16
Management	\$4,191.03
Total	\$464,037.09

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 the issue of a Stage CC1 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.

(13) HAZARDOUS BUILDING MATERIAL SURVEY

Prior to the issue of a Stage CC1 Construction Certificate and commencing of any demolition and remedial works, a Hazardous Building Material Survey must be prepared for the site and submitted to the City's Area Planning Manager for the further review.

(14) DETAILED ENVIRONMENTAL SITE INVESTIGATION REQUIRED

After the completion of demolition of the buildings approved for demolition and prior to the issue of a Stage CC2 Construction Certificate, a Detailed Environmental Site Investigation (DESI) is to be carried out by a suitably qualified and competent environmental consultant and submitted to the City Area Planning Manager for further review in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated Land Management Act 1997 and SEPP 55 Remediation of Land" confirming that the site is suitable (or will be suitable, after remediation) for the proposed use.

Where the DESI states that the site requires remediation, a Remediation Action Plan (RAP) is to be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and the Contaminated Land Management Act 1997 and submitted to the City Area Planning Manager for approval.

(15) EXCAVATION AND CONSTRUCTION (SYDNEY TRAINS)

- (a) Unless amendments are required in order to obtain approval/certification from the Sydney Trains deferred commencement condition or in relation to items listed below, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
- (i) Preliminary Geotechnical Assessment Report prepared by JK Geotechnics (Ref: 26235SB1rpt) dated 13 December 2012;
 - (ii) Geotechnical Assessment Report prepared by JK Geotechnics (Ref: 26235SB1rptRev1) dated 8 December 2014;
 - (iii) Correspondence from prepared JK Geotechnics (Ref: 26235SB1let) dated 20 July 2015;
 - (iv) Structural Report prepared by M+G Consulting (Ref:4186) dated 21 August 2015;
 - (v) Site/Area Plan prepared by M+G Consulting - Drawing No. C01 Issue 1, dated 21/08/15;
 - (vi) South Basement & Down Line Tunnel Plan prepared by M+G Consulting - Drawing No. C02 Issue 2, dated 10/09/15;
 - (vii) Cross Sections prepared by M+G Consulting - Drawing No. C03 Issue 2, dated 10-09-15.

The Principal Certifying Authority is not to issue the Stage CC1 Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the deferred commencement conditions. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- (b) All excavation works within 25m of the rail corridor are to be supervised by a geotechnical engineer with experience with such excavation projects.
- (c) No rock anchors/bolts are to be installed into Sydney Trains property, easement or strata.
- (d) Sydney Trains or any persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

- (e) If required by Sydney Trains, prior to the commencement of works and prior to the issue of the 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.
- (f) An acoustic assessment is to be submitted to Council prior to the issue of a Stage CC1 Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".
- (g) Prior to the issue of a Stage CC1 Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Stage CC1 Construction Certificate.
- (h) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Stage CC1 Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (i) If required by Sydney Trains, prior to the issue of a Stage CC1 Construction Certificate, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (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 is not to issue the Stage CC1 Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (j) Prior to the issuing of a Stage CC1 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 is not to issue the Stage CC1 Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (k) Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.

- (l) Prior to the Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to indicate that there has been no encroachment into Sydney Trains property, easement or stratum. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (m) Prior to the issue of a Stage CC1 Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Stage CC1 Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (n) Prior to the issue of a Stage CC1 Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Stage CC1 Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

(16) USE OF COMMON AREAS AND FACILITIES

The communal roof top terrace must be available for the use all residents of the residential development, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights. The communal roof terrace is only to be used between 7.00am and 10.00pm Monday to Sunday.

(17) ARCHAEOLOGICAL INVESTIGATION

- (a) The applicant must apply to the Heritage Division of the Department of Environment and Heritage for an excavation permit under Section 140 of the Heritage Act 1977.
- (b) Should any potential archaeological deposit likely to contain Aboriginal objects be identified by any person during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the NSW Government Office of Environment and Heritage for an excavation permit for Aboriginal objects.
- (c) The applicant must comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.

- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, 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.
- (f) 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;
- (g) 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's Heritage Specialist prior to issue of an Occupation Certificate.

(18) GENERAL HERITAGE

- (a) Experienced tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works to the 'Calidad' Building and Telford Place.
- (b) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the 'Calidad' Building and Telford Place.

(19) MATERIALS AND FINISHES TO MATCH EXISTING

All new and external materials, finishes and works to the 'Calidad' Building and Telford Place for making good must match the existing significant work.

(20) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by WMK Architecture.

(21) EXTERNAL COLOUR SCHEME

A schedule of external colours, with colour swatches keyed to drawings, of each of the buildings on the site that form part of the site, including the southern elevation of Telford Place, is to be submitted to Council's satisfaction prior to the release of the Stage CC2 Construction Certificate. The colour scheme for the heritage items on the site are to be appropriate to the style and periods of the particular buildings.

(22) USE OF HERITAGE PRACTITIONER

An experienced heritage practitioner is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage practitioner 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 practitioner 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 is to be provided to Council prior to commencement of work on site. The heritage practitioner must sign off the completed project prior to the issue of an Occupation Certificate.

(23) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

The photographic recorded prepared by Architectural Projects and submitted with the development application is to be developed further into a full Archival Photographic Recording which meets the following requirements:

- (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 digital image is to be cross referenced to a photographic catalogue and photographic base plans;
- (e) Include internal and external photos of the Calidid Building, Telford Place, and the Federation pair of semis at 161-165 Brougham Street as well as images of the Cliff face;
- (f) 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;
- (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;
- (h) CD or DVD containing the report in PDF format and the electronic images.

The archival record must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Stage CC1 Construction Certificate under the Environmental Planning and Assessment Act 1979.

(24) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan for the site must be submitted to and approved by Council's Urban Design and Heritage Manager, prior to a Stage CC2 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) 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 Council.

(25) NEW SERVICES

New services to the Calidad Building and Telford Place are to be installed with minimum intervention to significant fabric and spaces.

(26) BRIEFING OF CONTRACTORS AND SUBCONTRACTORS

All contractors and subcontractors involved in the construction works are to be briefed on the heritage significance of the site prior to the work commencing. This is to form part of the onsite induction programmed for all workers on the site.

Any fabric removed as part of the adaption works is to be examined by the heritage consultant and if it is determined appropriate, be tagged and stored in a weather tight repository on the site. Some of this fabric may be suitable for re-use.

(27) 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 Demolition, Excavation and Construction Management Plan prepared by PKA Acoustic Consulting file: 215 019-R1 V1 cnvmp dated March 2015, TRIM ref: 2015/167252.

- (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.

(28) NOISE - GENERAL

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

- (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW EPA Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
- (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
- (v) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

(29) PARKING ON COMMON PROPERTY AREAS

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

(30) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels Lower Ground, Ground, 1 and above) 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 documentary Restriction on the Use of Land 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 Restriction 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) Any strata subdivision of the site will require a documentary Restriction on the Use of Land to be registered over all of the residential lots in the strata plan in the terms of (a) above and restricting any change of use of those levels from permanent residential accommodation. The Restriction is to be created pursuant to Section 88B of the Conveyancing Act 1919, appurtenant to Council, in terms to the satisfaction of Council or the Strata Certifier with Council being the authority to release, vary or modify the Restriction.

- (d) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (e) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building.

(31) RESTRICTION ON USE OF CAR SPACES AND STORAGE SPACES

The following conditions apply to car parking:

- (a) The on-site car parking spaces and storage spaces are not to be used other than by resident of the subject building for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.
- (b) Any strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking and storage allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part lots and storage part lots in the strata plan.

(32) ALLOCATION FOR CAR WASH BAYS

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

(33) 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.

(34) 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.

(35) 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.

(36) 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.

(37) 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.

(38) 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.

(39) 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 Stage CC2 Construction Certificate being issued.

(40) 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.

(41) 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.

(42) 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.

(43) SIGNS AT EGRESS

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

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

(44) 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.

(45) 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".

(46) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Stage CC2 Construction Certificate.

Car Parking Type	Number
Residential spaces	17
Accessible residential spaces	3
Residential visitor spaces	5
Total	25

(47) 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	30	Spaces must be a class 1 bicycle locker
Residential visitor	3	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 Stage CC2 Construction Certificate being issued.

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

Note: Prior to the issue of the Construction Certificate for each of the stages, 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.

(48) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Stage CC1 Construction Certificate being issued.

(49) 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.

(50) DETAILED ENVIRONMENTAL SITE INVESTIGATION REQUIRED

After the completion of demolition of the existing buildings and prior to the issue of a Stage CC2 Construction Certificate, a Detailed Environmental Site Investigation (DESI) is to be carried out by a suitably qualified and competent environmental consultant and submitted to the City Area Planning Manager for further review in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated Land Management Act 1997 and SEPP 55 Remediation of Land" confirming that the site is suitable (or will be suitable, after remediation) for the proposed use.

Where the DESI states that the site requires remediation, a Remediation Action Plan (RAP) is to be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and the Contaminated Land Management Act 1997 and submitted to the City Area Planning Manager for approval.

(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 167-183 Brougham Street, 147-151 Brougham Street, Telford Place and the Victorian terraces at 153-165 Brougham Street are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Stage CC1 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 - 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.

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

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

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

Prior to the issue of a Stage CC2 Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

(56) 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 Stage CC2 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).

(57) HAZARDOUS BUILDING MATERIAL SURVEY

Prior to the commencing of any demolition and remedial works a Hazardous Building Material Survey must be prepared for the site and submitted to the City's Area Planning Manager for the further review.

(58) 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.

(59) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS TO EXISTING BUILDING/S - UPGRADE OF EXISTING BUILDING/S IS REQUIRED

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 an assessment of the development proposal has been undertaken and:

- (a) As more than 50 percent of the volume of the building is proposed to be altered or has been altered over the previous 3 year period; and/or
- (b) The measures contained in the building are inadequate to protect persons using the building and to facilitate their egress from the building in the event of fire, or to restrict the spread of fire from the building to other buildings nearby.

It has been determined that the whole building must be brought into total conformity with the Building Code of Australia. Prior to a Stage CC2 Construction Certificate being issued the Certifying Authority must ensure that the whole building is brought into conformity with the Building Code of Australia by complying with Clause A0.4 of the BCA.

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

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

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

(61) DISCHARGE OF CONTAMINATED GROUNDWATER

Prior approval must be sought from the City's Public Domain Department to discharge any groundwater into the City's stormwater drainage system.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(62) 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.

(63) 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

(64) 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.

(65) 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 Stage CC2 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.

(66) WASTE MANAGEMENT FACILITIES

Prior to the issue of a Stage CC2 Construction Certificate for the development, the waste management facilities within the building are to be consistent with Council's "Policy for Waste Minimisation in New Developments 2005" and designed to provide for:

- (a) the residential garbage room to be designed in accordance with Council's "Policy for Waste Minimisation in New Developments 2005" to allow for cleaning, draining and management of the room;
- (b) the residential garbage room servicing the proposed building to include adequate space for the separation of putrescible waste from waste suitable for recycling.

(67) 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 Stage CC2 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.

(68) 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 Stage CC2 Construction Certificate being issued, 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 Stage CC2 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 Stage CC2 Construction Certificate being issued.

(69) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for a Stage CC1 Construction Certificate being issued, 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.

(70) 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 Stage CC1 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).

(71) 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.

(72) 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 Stage CC2 Construction Certificate being issued. 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 Stage CC2 Construction Certificate being issued.
- (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 Stage CC2 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.

(73) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Stage CC2 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.

(74) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Stage CC2 Construction Certificate being issued, 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 Stage 2 Construction Certificate being issued.
- (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 Stage 2 Construction Certificate being issued, 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 Stage 2 Construction Certificate being issued, 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.

(75) 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.

(76) 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 Stage CC2 Construction Certificate being issued.

(77) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the McElhone 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.

(78) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 59 lineal metres of asphalt and 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 a Stage CC1 Construction Certificate being issued.

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 Stage CC2 Construction Certificate being issued, 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) 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.

(81) 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).

(82) 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.

(83) 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
7-9	Archontophoenix cunninghamii (Bangalow Palm)	Central courtyard
No number	Pistachio chinensis (Chinese Pistachio)	Street tree – McElhone St

Refer to the Arboricultural Impact Assessment prepared by 'Redgum Horticultural' dated 19 January 2015 for tree numbering and location.

(84) 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
1	Corymbia citriodora (Lemon Scented Gum)	Street tree
2	Eucalyptus microcorys (Tallow Wood)	Street tree
3	Eucalyptus sp. (Eucalypt)	Street tree
4	Pittosporum undulatum (Sweet Daphne)	NE entrance
5	Elaeocarpus reticulatus (Blueberry Ash)	NE entrance

Refer to the Arboricultural Impact Assessment prepared by 'Redgum Horticultural' dated 19 January 2015 for tree numbering and location.

(85) TREE PROTECTION DURING CONSTRUCTION

Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 5m of the trunk of any tree to be retained.

(86) 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 structure or ground surface material located within the Tree Protection Zone of any tree listed for retention. (Please refer to the Arboricultural Impact Assessment prepared by 'Redgum Horticultural' dated 19 January 2015 for TPZ distances);
 - (iii) During any excavation and trenching within the Tree Protection Zone.
- (b) A final 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).

(87) STREET TREE PROTECTION

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

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and truck at all times;

- (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
- (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (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.

(88) STREET TREE PRUNING AND REMOVAL

- (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'.

(89) STREET TREE PLANTING AND MAINTENANCE

- (a) A Landscape Plan indicating the location of the street trees to be planted in association with the development must be submitted to and approved by Council prior to the issue of the Stage CC2 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.

(90) 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 Stage CC2 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) Landscaping to the terrace area of Unit 501 must not include any planting or features that will extend above the approved balustrade height of Level 3.

- (c) Prior to the issue of a Stage CC2 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.
- (d) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(91) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Stage CC2 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.
- (c) Any utility services whose connections (pipes, wires, cables etc) are located within or traverse the site which service the lot containing Telford Place and the terraces, are to be separately connected from the utility service provider to these buildings in accordance with the requirements of those service providers, or easements provided over or within the site in connection with those services for the benefit of Telford Place and the terraces, and any costs in connection therewith are to the responsibility of the developer.

(92) AUSGRID

Prior to the issue of a Stage CC2 Construction Certificate, a formal submission to Ausgrid, by means of a duly completed Preliminary Enquiry and/or Connection Application form is to be submitted to allow Ausgrid to determine the method of electrical supply to the site. Should a substation be required, this will necessitate a Section 96 Modification Application to be submitted.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(93) 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.

(94) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(95) 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.

(96) 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.

(97) 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.

(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) 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.

(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) 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.

(102) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

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

8.30am – 12.00pm and 1.00pm – 4.30pm Monday to Friday

9.00am – 12.00pm and 1.00pm – 3.00pm on Saturday

- (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.

(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) 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.

SCHEDULE 1D – SUBDIVISION

(108) LAND SUBDIVISION – SUBDIVISION CERTIFICATE

A separate application must be made to Council to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979.

(109) CONVERSION OF LOTS TO COMMON PROPERTY

Prior to the issue of the Subdivision Certificate, a separate application is to be made to Council to obtain permission for the conversion of Lots 4, 5, 6, 7, 8, 9 and 10 in Strata Plan 16624 and Lot 11 in Strata Plan 90950 to Common Property and for the endorsement of the “Conversion of Strata Lot to Common Property” instrument by Council under Section 13 of the Strata Schemes (Freehold Development) Act 1973.

(110) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED

A separate application must be made to Council or an accredited certifier to obtain approval of any Strata Plan and issue of a Strata Certificate under the Strata Schemes (Freehold Development) Act 1973.

(111) SYDNEY WATER CERTIFICATE - SUBDIVISION

Prior to the issue of a Subdivision 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 Certificate being issued.

(112) ADDITIONAL EASEMENTS

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919 and to Council's satisfaction.

(113) STREET ADDRESSES OF LOTS

In accordance with Clause 60(c) of the Surveying and Spatial Information Regulation 2012, the street addresses for each lot must be shown on the final plan of subdivision. An application should be made to Council to obtain the correct street address for each lot.

SCHEDULE 2

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

- | | |
|------------|---|
| Clause 98 | Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989. |
| Clause 98A | Erection of signs |
| Clause 98B | Notification of Home Building Act 1989 requirements |
| Clause 98E | Conditions relating to shoring and adequacy of adjoining property |

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

ITEM 14 QUESTIONS ON NOTICE**BUSINESS TOURISTS (S103147)**

1. By Councillor Vithoukas

Question

The City of Sydney continues to support Business Events Sydney and business tourists are reported to spend 6.5 times more per day than leisure tourists in Sydney.

What are the major conferences, seminars and workshops to be held in Sydney during 2016?

How many of these are being sponsored or supported by the City?

If business tourists are 6.5 times more valuable than leisure tourists, how are business tourists informed about local businesses, markets and precincts?

Answer by the Lord Mayor

23 business events secured by Business Events Sydney are scheduled for 2016, based on currently available figures.

However, as the International Convention Centre in Darling Harbour will still be under construction during 2016, there are only two significant events where the delegates are staying in the CBD:

- Amway Taiwan Leadership Seminar 2016 (incentive group) – arriving 24 March for 4 days staying at The Star. Approximately 1,300 delegates will attend and this group is estimated to have \$6.5M economic impact (EI). EI is new money to Sydney and does not include airfares or registration fees to attend the conference.
- Nu Skin Greater China Success Trip (incentive group) – arriving 1 April for 4 days staying at a range of luxury hotels across the CBD. 8,000 delegates are expected to attend this incentive tour and their EI is estimated to be in excess of \$50M.

When the International Convention Centre opens at the end of 2017, there is an increase of conferences scheduled. Major conferences include:

- Amway China March 2017 – 5,000+ delegates.
- Institute of Internal Auditors July 2017 – 1,600 delegates, EI \$5.3M
- World Chamber of Commerce September 2017 – 1,000+ delegates
- International Bar Association October 2017 – 4,000+ delegates, EI \$14M+
- AIPPI Intellectual Property October 2017 – 2,000+ delegates, EI of \$6M+

The City does not directly sponsor these major international conferences and incentive groups. Instead, the City supports Business Events Sydney who then support these events. The City of Sydney supports Business Events Sydney with their bids to secure these events through a funding agreement. This agreement has been in place for three years (valued at \$1.5million) and is currently being renewed for a further five years, also for a value of \$1.5million.

The City may be asked from time to time to provide use of Town Hall for a welcome event or a special gala dinner, with all hard costs covered by the conference organisers.

In addition to the funding agreement, the City offers limited support directly to conference organisers (for profit organisations) through the Commercial Creative and Business Events sponsorship program and the Knowledge Exchange Grant program, which are governed by the City's Grants and Sponsorship policy and guidelines. Examples of events supported in this way include CeBit (Sydney) 2015 – 2017 and SydStart 2015.

In order to connect business tourists with local businesses, markets and precincts, the City sits on the Business Events Advisory Committee Sydney (BEACS) which meets regularly to assess the pipeline of conferences coming to Sydney. Other members are Sydney Harbour Foreshore Authority, Sydney Airports Corp, Destination NSW and Business Events Sydney.

For the two major conferences with a CBD impact scheduled for 2016, the committee partners are working with the conference organisers to understand delegate needs and identify ways to welcome the groups and provide unique retail-focussed 'money can't buy opportunities'.

In addition, information is distributed to the business tourists through a variety of channels including:

- Inclusion of The Official Sydney Guide in every delegate's welcome pack. This guide is produced by City of Sydney, Destination NSW and SHFA.
- Distribution of The Little Book of Sydney Villages guide. This is produced by the City of Sydney to highlight local business and includes maps and stories of places to go.
- Welcome messages to delegates including CBD street banners, Sydney Airport welcome signs, digital signage within major shopping centres such Westfield Sydney, QVB and David Jones. These shopping centres also brief their tenants about the conference and provide visual references so retailers can proactively welcome guests into their stores.

FINANCIAL LITERACY SKILLS (S103147)

2. By Councillor Vithoukas

Question

As the cost of living continues to increase and affordable housing becomes rare within the City, many local residents and business owners find managing cash flow, understanding the different types of savings, the cost of credit cards and budgeting to be difficult.

Does the City run or support any programs, with cash or value-in-kind, that assist with the development of financial literacy skills for youth and adults?

Answer by the Lord Mayor

The City runs and supports a range of programs and services that assist with the development of financial literacy skills of community members. This includes:

- A free will service for those in social housing, on a pension or low income, offered at the Harry Jensen Centre in Millers Point and a recent presentation on preparation of wills and estates at the Cliff Noble Community Centre, Alexandria.

- Hire of venues at reduced rates for some community-run programs, including Debtor Anonymous groups and an Underearners Anonymous group.
- Two of the City's Accommodation Grants tenants offer financial awareness programs, including Catholic Care who offer casework for young people, and Beehive Industries who are developing a financial awareness program for older people in conjunction with ANZ and ComBank.
- A Community Services Grant provided to Redfern Legal Centre to deliver a Money Problems and Consumer Complaints service and develop a Legal Toolkit for Community Workers to assist with unpaid fines, debts and utility bills, rental and housing problems.

SUPPORTING WOMEN'S SHELTERS (\$103147)

3. By Councillor Vithoukas

Question

The City has taken a very public position against domestic violence with a series of gatherings and communications.

What are the numbers of existing women's shelters in the LGA?

Are women and children turned away from the shelters due to capacity issues?

Does the City fully or partially fund with cash or value-in-kind any of the women's shelters?

Answer by the Lord Mayor

Women's services in NSW are primarily funded by the State Government. Women's shelters are funded for a range of activities that respond to domestic violence, drug and alcohol dependency, release from correctional facilities etc. Some provide shelter or transitional accommodation exclusively for women. Some provide accommodation for men, women and children. The City doesn't have a comprehensive list of all service providers.

However, staff are aware of one crisis accommodation shelter in the local government area (LGA) that specifically accommodates women (and children) who have experienced domestic and family violence.

There are two additional women-only shelters in the LGA that specialise in assisting women who have experienced drug and/or alcohol dependency, and may also have experienced domestic and family violence.

There are another five crisis accommodation centres in the inner city, however, they are open to men, women and young people and are not specifically set up to support people escaping from domestic and family violence situations.

Other services within and nearby the LGA provide some short term transitional accommodation to young people or people in drug rehabilitation, however, these are not specifically refuges for people in domestic and family violence situations.

The City has provided grants to a number of these organisations through the Matching Grants, Local Community Grants and Cultural Grants programs for projects including an edible garden, programs for parents of young people questioning their gender or sexuality, art workshops and art therapy.

At the Winter Street Count 2015, the Crisis Hostels across the City were at 96% capacity, meaning they could not accept additional clients at that time.

Services are expected to provide assessments and referrals regardless of whether they have accommodation available. Women eligible under the Family and Community Services criteria may be offered Temporary Accommodation for up to 28 days. Women unable to find crisis accommodation are recommended to call Link2Home for a placement.

COMMITTEE SPEAKERS (S103147)

4. By Councillor Vithoukas

Question

Council has committee meetings each month where the public have the ability to attend and address Council and Councillors about matters that are being considered.

What processes does Council undertake to contact those individuals/groups who have appeared before the committee and provide any follow up information?

Answer by the Lord Mayor

The provision in Council's Code of Meeting Practice for members of the public to address Committees provides an opportunity for interested parties to express their views prior to Council making a determination regarding matters on the agenda.

At the request of the Chair, and where possible and considered appropriate by the CEO, City staff provide a comment upon issues raised by speakers during Committee meetings. If City staff cannot address issues raised by speakers at Committees, a further response is provided in a memorandum on the subject item to Council the following week, which is made publicly available to speakers and other interested parties on the City's website and in hard copy at the Council meeting.

Provision of follow up information to speakers, subsequent to their attendance at Committee meetings, is subject to the provisions of the Privacy and Personal Information Protection (PPIP) Act 1998 and the City's Privacy Management Plan regarding the use of personal information by Government agencies. Under the 'collection' provisions of the PPIP Act, if a member of the public is asked to supply their personal information, such as their name, address or telephone number, they must be informed how it will be dealt with in accordance with the privacy protection principles under the Act. To achieve this at the City, all forms and letters requesting personal information must include a Privacy Protection Notice that summarises how the information will be handled.

In most instances, members of the public who speak at Committee meetings will have had contact with relevant City staff prior to matters being reported for Council's consideration and provided personal information (eg, email address, phone number, postal address, residential address) for the purpose of follow up and/or formal notification of the outcome of Council's deliberations by the City. Relevant City staff then follow up with those speakers as and when required.

In some instances, individuals who speak at Committee meetings may not have had prior contact with City staff who are dealing with the subject matter and, therefore, collection of their personal details in accordance with the PPIP Act to enable formal contact and follow up by the City has not occurred. Other contact and follow up would therefore be dependent on the matter the member of the public spoke about and whether they had made subsequent contact with the City to provide sufficient personal information and consent for it to be used for this purpose. On the whole, however, most speakers at Committee meetings have access to the reports to Committees, Relevant To Memos, and Council's resolution recorded in the minutes of meeting, with follow up not required.

THE NON-RESIDENTIAL REGISTER AND ROLLS PROGRAM AND FOCUS GROUPS (S103147)

5. By Councillor Vithoukas

Question

The Non-residential Register and Rolls Program Update that was provided to Councillors via the CEO Update noted that the staged Program Plan has progressed since August in accordance with the endorsed Methodology and Program Plan.

The update noted that focus group findings identified a need for a soft introduction to the new requirements to ensure a higher response rate.

When was this focus group research conducted? Were there other outcomes of the focus group research that are relevant to the success of the registration program? Are the wider findings of the focus group research available for review?

Answer by the Lord Mayor

Following a tender process conducted in September 2015, the appointed agency, Taverner Research, conducted 3 Focus Groups across three nights – Monday 28, Tuesday 29 and Wednesday 30 September 2015.

Key findings were that awareness of the legislative changes in regard to the non-residential register and rolls was essentially non-existent and that responding to the requirements was complex and challenging. Taverner made recommendations which it believed would increase general awareness of the legislative requirements and registration program as well as improving the overall reception to the mail-out, including improving the quality and number of responses.

In addition to recommending that the City should send out an introductory notice to all potential non-residents in advance of the general mailing of the formal registration package to let them know what to expect, Taverner also recommended that:

- All communication should refer people to the City of Sydney website or the Customer Care Centre.
- The letter in the formal registration pack should reiterate the points made in the introductory notice, provide simple and easy instructions on how to proceed through the registration process and also provide a timeline to help increase immediate compliance.

- That functionality of the eligibility website allow non-residents to fill out their forms online, then print, sign and send them back in the post

A copy of the research report may be provided to Councillors on request to the CEO.

WOOLLOOMOOLOO MEN'S SHED (\$103142)

6. By Councillor Scott

Question

How many times has the City submitted a development application for the Woolloomooloo Men's Shed?

When?

What was the cost for each?

What was the outcome of each?

In each of these development applications, did the City ask Roads and Maritime Services for landowner's consent?

If so, how many times did the City apply for landowner's consent and on which dates?

What was the outcome of these request/s?

Answer by the Lord Mayor

The City submitted three development applications for this project. The following table outlines the details of each application:

DA Lodgement Date	Land Ownership	Value	Owners Consent	Outcome
8/2012	City of Sydney Roads & Maritime Authority RailCorp	\$230,000	Consent granted by all landowners	DA approved, however, lapsed due to a new DA being lodged in April 2014 for a smaller building and site area. This removed the proposal from RMA land.
4/2014	City of Sydney RailCorp	\$190,000	Consent granted by all landowners	DA withdrawn on advice from CoS planners. An operational and management plan was requested to be submitted as part of the DA. This was prepared as part of a new DA submitted in February 2015.

2/2015	City of Sydney RailCorp	\$190,000	Consent granted by all landowners	DA withdrawn due to objections from Roads & Maritime Authority.
--------	----------------------------	-----------	-----------------------------------	---

21ST CONFERENCE OF THE PARTIES (S103142)

7. By Councillor Scott

Question

What was the total cost of the Lord Mayor's trip, including costs for staff members accompanying the Lord Mayor, to the 21st Conference of the Parties in Paris?

Please provide a breakdown of the total cost by travel, accommodation, meals, and any other costs.

Coming out of the Conference, what are the future sustainability projects and programs that the City will adopt?

What is the timeframe for the City to implement any future sustainability projects and programs coming out of the Conference?

What is the budget allocated to these projects?

Answer by the Lord Mayor

C40 covered most of my travel and accommodation costs, and some costs for accompanying staff. During the Council meeting on 23 November, Council endorsed a budget of approximately \$13,000 per person from funds available within existing operational budgets.

While final incidental costs are still to be reconciled, the trip will come in under the budget approved by Council.

The final costs will be reported as part of the normal quarterly review process.

12 SPRINGFIELD AVENUE, POTTS POINT (S103142)

8. By Councillor Scott

Question

The City owns two units (units 7 and 8) at 12 Springfield Avenue, Potts Point.

What was the historical use of these two units?

Are any works currently being conducted on these two units? If so, what is the nature of these works? What is the cost?

What is the City's plan for future uses of these two units?

By financial year, what is the income earned from these units?

Answer by the Lord Mayor

Units 7 and 8, 12 Springfield Avenue, Potts Points are one-bedroom units acquired by the former South Sydney City Council in 1996 as investments and to relocate two social housing tenants from the then Council-owned "Kelburn Hall" at No. 51 Elizabeth Bay Road, Elizabeth Bay which was subsequently sold in late 1996.

There are planned budgeted capital works for Unit 7. The value of these works is estimated to be \$45,000.00, with a completion date of early 2016. These works include: new kitchen, new flooring, painting throughout, new air-conditioner and new blinds. This unit is currently vacant and will be leased at a market residential rent when the works are completed.

There are no planned capital works for Unit 8, aside from routine repair and maintenance works, as required.

The City's plan for these two units is to hold and maintain, and to continue to lease until such time as the City decides to divest.

Total rental income is as follows:

- Unit 7 – 2014/15 - \$3,000.00 pa.
- Unit 8 - 2014/15 – \$9,600.00 pa.

LEARNING LANGUAGES (S103142)

9. By Councillor Scott

Question

Does the City provide any facilities or services for the learning of languages in its libraries, through other community spaces, or online?

If so, how many different languages are taught through the City's libraries, other community spaces, or online?

If services are available online, what are they? What is the amount spent on them?

Answer by the Lord Mayor

1. Facilities and services for learning languages in Libraries and online are:

Collections (Online)

The Library provides access to the following online resources:

- Mango Languages
Mango Languages is an online resource allowing library members to learn 71 community languages. Mango Languages provides community languages (for English speakers), English courses (for non-English speakers), language learning through film, thematic and cultural learning.

- Library Press Display
Library Press Display is an online resource allowing library members' access to online Newspapers and Magazines from around the world, from over 100 countries in 60 languages. Many languages have audio, where the text can be read aloud in languages.
- Dragonsource
Dragonsource, an online Chinese language resource, provides access to over 2,000 magazine titles.

Collections (Physical)

The Library provides access to the following:

- Language learning resources
The Library collects a wide range of materials for language learning to assist self-directed learning and discovery. Language learning materials include books, CDs, DVDs and combined formats such as books and CDs.
- Community Language materials
The Library collects community language materials in Chinese, Japanese, Korean, Indonesian, Russian, Thai and Vietnamese. This includes books, CDs and DVD formats.
- ESL and IELTS materials
The Library collects a range of English as a Second Language (ESL) library materials to encourage English language learning and develop proficiency of English language skills. International English Language Testing System (IELTS) materials are well used materials in the Library. IELTS materials assist students to gain English proficiency.
- Community language magazines and newspapers
The Library collects a wide range of community language magazines and newspapers. Magazines are available in a wide range of languages, including Chinese, Japanese, Korean, Russian, Thai and Vietnamese.
- Bulk Loans via the State Library NSW
The Library provides library members with access to the State Library's Community Language bulk loan service. Library members can request a box of Community Language books in over 40 languages free of charge.

Programs

The Library provides Bi-Lingual Storytime sessions at Green Square, Ultimo and Haymarket Libraries. The session includes storytelling for pre-schoolers with stories read in Mandarin and English.

2. The Library provides learning opportunities through:
 - Bi-Lingual Storytime sessions (Mandarin and English language)
 - Mango Languages (online) provides learning for 71 Community languages
 - Print and online collections
3. Services available online and the approximate amount spent per financial year are:
 - Mango Languages \$8,833.00
 - Library Press Display \$18,507.00
 - Dragonsource \$2,450.00

NEWSPAPER AND MEDIA ADVERTISING (\$103142)

10. By Councillor Scott

Question

Over the past 12 months, broken down by month, publication, and cost, how many advertisements have been placed by the City in newspaper and media publications, including online media?

Answer by the Lord Mayor

Publication	Month	Cost	Ad #/Format #
Architectural Review Magazine	May-15	\$4,790.38	1 ad
Australian Chinese Daily	Oct-15	\$723.80	1 ad
Australian Chinese Daily	Nov-15	\$957.00	1 ad
Australian Chinese News Weekly	Mar-15	\$396.00	1 ad
Australian Chinese News Weekly	Aug-15	\$396.00	1 ad
Australian Chinese News Weekly	Nov-15	\$726.00	1 ad
AFR Boss Magazine	Dec-15	\$13,300.00	1 ad
Australian Financial Review	Oct-15	\$6,417.93	1 ad
Australian Financial Review	Nov-15	\$28,417.93	2 ads
Australian Sponsorship News Online	Apr-15	\$333.33	2 ads
C!AO Magazine	Jul-15	\$3,246.10	2 ads
Central Courier	Dec-14	\$6,830.93	4 ads
Central Courier	Jan-15	\$9,464.30	6 ads
Central Courier	Feb-15	\$14,629.72	10 ads
Central Courier	Mar-15	\$12,233.94	9 ads
Central Courier	Apr-15	\$13,334.22	9 ads
Central Courier	May-15	\$17,619.77	12 ads
Central Courier	Jun-15	\$15,419.40	13 ads
Central Courier	Jul-15	\$22,096.30	16 ads
Central Courier	Aug-15	\$15,388.74	11 ads
Central Courier	Sep-15	\$15,741.10	10 ads
Central Courier	Oct-15	\$19,709.65	13 ads
Central Courier	Nov-15	\$18,734.22	11 ads
City Circular	Sep-15	\$2,277.11	1 ad
City News/City Hub	Dec-14	\$675.64	2 ads
City News/City Hub	Jan-15	\$1,351.29	5 ads
City News/City Hub	Feb-15	\$2,459.45	5 ads

Publication	Month	Cost	Ad #/Format #
City News/City Hub	Mar-15	\$1,732.36	3 ads
City News/City Hub	May-15	\$4,123.28	4 ads
City News/City Hub	Jun-15	\$1,954.32	3 ads
City News/City Hub	Jul-15	\$673.44	1 ad
City News/City Hub	Sep-15	\$1,349.08	2 ads
City News/City Hub	Oct-15	\$4,200.25	4 ads
City News/City Hub	Nov-15	\$3,132.32	3 ads
City Walker	Oct-15	\$1,452.00	1 ad
Daily Telegraph	Mar-15	\$6,733.39	1 ad
Daily Telegraph	Aug-15	\$2,178.87	1 ad
Daily Telegraph	Oct-15	\$19,518.38	2 ads
Fairfax Digital	Oct-15	\$13,750.00	4 ad formats
Gumtree website	Nov-15	\$11,000.00	2 ad formats
Inner West Courier - City Edition	Dec-14	\$2,602.49	2 ads
Inner West Courier - City Edition	Jan-15	\$5,561.49	4 ads
Inner West Courier - City Edition	Feb-15	\$6,338.92	5 ads
Inner West Courier - City Edition	Mar-15	\$6,555.51	5 ads
Inner West Courier - City Edition	Apr-15	\$7,390.24	7 ads
Inner West Courier - City Edition	May-15	\$11,410.85	9 ads
Inner West Courier - City Edition	Jun-15	\$4,755.89	4 ads
Inner West Courier - City Edition	Jul-15	\$6,926.16	5 ads
Inner West Courier - City Edition	Aug-15	\$6,566.79	5 ads
Inner West Courier - City Edition	Sep-15	\$7,923.04	6 ads
Inner West Courier - City Edition	Oct-15	\$7,456.89	4 ads
Inner West Courier - City Edition	Nov-15	\$11,382.18	8 ads
In The Black magazine	Nov-15	\$2,000.00	1 ad
Koori Mail	Dec-14	\$1,241.68	1 ad
Koori Mail	Jan-15	\$1,489.40	1 ad
Koori Mail	Mar-15	\$1,819.40	1 ad
Koori Mail	Jun-15	\$1,239.48	1 ad
Koori Mail	Jul-15	\$822.60	2 ads
Koori Mail	Sep-15	\$489.40	2 ads
LOTL	Mar-15	\$1,056.00	1 ad
LOTL	May-15	\$957.00	1 ad

Publication	Month	Cost	Ad #/Format #
LOTL	Sep-15	\$957.00	1 ad
LOTL	Nov-15	\$957.00	1 ad
MX - Sydney	Feb-15	\$246.64	1 ad
MX - Sydney	Mar-15	\$496.37	\$992.74
News Digital Network	Oct-15	\$11,000.00	4 ad formats
SBS website	Sep-15	\$7,721.88	3 ad formats
SBS website	Nov-15	\$4,893.92	3 ad formats
Sing Tao	Nov-15	\$1,593.92	1 ad
Southern Courier	Dec-14	\$906.46	1 ad
Southern Courier	Feb-15	\$3,262.80	2 ads
Southern Courier	Mar-15	\$6,634.49	4 ads
Southern Courier	Apr-15	\$2,151.73	1 ad
Southern Courier	May-15	\$3,576.58	2 ads
Southern Courier	Jun-15	\$5,480.85	4 ads
Southern Courier	Jul-15	\$1,140.15	1 ad
Southern Courier	Aug-15	\$3,436.95	2 ads
Southern Courier	Sep-15	\$1,142.35	1 ad
Southern Courier	Oct-15	\$6,750.27	2 ads
Southern Courier	Nov-15	\$9,120.93	5 ads
Star Observer	Jan-15	\$1,197.90	1 ad
Star Observer	Feb-15	\$1,263.90	1 ad
Star Observer	Mar-15	\$1,197.90	1 ad
Star Observer	Apr-15	\$1,197.90	1 ad
Star Observer	May-15	\$1,263.90	1 ad
Star Observer	Jun-15	\$1,197.90	1 ad
Star Observer	Jul-15	\$1,716.00	1 ad
Star Observer	Oct-15	\$1,716.00	1 ad
SX	Jan-15	\$946.00	1 ad
SX	Feb-15	\$946.00	1 ad
SX	Mar-15	\$946.00	1 ad
SX	Apr-15	\$946.00	1 ad
SX	May-15	\$946.00	1 ad
SX	Jun-15	\$946.00	1 ad
SX	Jul-15	\$5,500.00	1 ad
SX	Aug-15	\$946.00	1 ad
SX	Sep-15	\$946.00	1 ad
SX	Nov-15	\$946.00	1 ad
Sydney's Child Magazine	Nov-15	\$4,663.75	1 ad
Sydney Morning Herald	Dec-14	\$14,549.55	1 ad
Sydney Morning Herald	Jan-15	\$10,912.18	1 ad
Sydney Morning Herald	Feb-15	\$13,525.50	1 ad

Publication	Month	Cost	Ad #/Format #
Sydney Morning Herald	Mar-15	\$75,393.10	5 ads
Sydney Morning Herald	Jun-15	\$14,878.05	1 ad
Sydney Morning Herald	Aug-15	\$14,944.05	1 ad
Sydney Morning Herald	Oct-15	\$40,718.17	3 ads
Sydney Morning Herald	Nov-15	\$11,234.85	1 ad
The Australian	Apr-15	\$11,066.00	2 ads
The Australian	Jul-15	\$5,533.00	1 ad
The Australian	Sep-15	\$8,316.00	2 ads
The Australian	Oct-15	\$13,509.41	1 ad
The Australian	Nov-15	\$13,443.41	1 ad
The Epoch Times	Nov-15	\$3,157.00	1 ad
The Guardian (AU)	Nov-15	\$2,750.00	3 ad formats
The Saturday Paper	Aug-15	\$870.00	1 ad
The South Sydney Herald	Sep-15	\$440.00	1 ad
Thuranka	Feb-15	\$22.50	1 ad
Wentworth Courier	Dec-14	\$4,138.24	3 ads
Wentworth Courier	Jan-15	\$7,937.06	5 ads
Wentworth Courier	Feb-15	\$10,657.74	5 ads
Wentworth Courier	Mar-15	\$14,586.46	8 ads
Wentworth Courier	Apr-15	\$10,384.13	6 ads
Wentworth Courier	May-15	\$16,702.16	8 ads
Wentworth Courier	Jun-15	\$10,814.52	6 ads
Wentworth Courier	Jul-15	\$15,349.64	8 ads
Wentworth Courier	Aug-15	\$8,914.80	4 ads
Wentworth Courier	Sep-15	\$14,842.68	9 ads
Wentworth Courier	Oct-15	\$15,431.75	7 ads
Wentworth Courier	Nov-15	\$19,402.90	9 ads

Notes:

Items in Central Courier, Inner West Courier – City Edition, Southern Courier and the Wentworth Courier include display ads, public notice ads & DA ads.

Items in City News/CityHub include display ads + public notice ads.

Items in the SMH and The Australian contain display ads + some public notice ads (small \$ notice ads removed).

NSW BUSINESS CHAMBER AWARDS PROGRAM 2015 ADVERTISING (\$103142)

11. By Councillor Scott

Question

What was the total cost of the advertisement placed by the City entitled 'Thanks for being part of it' regarding the NSW Business Chamber Awards Program 2015?

In which media publications was this advertisement placed, broken down by the advertising costs for each publication?

Answer by the Lord Mayor

Publication	Total Spend
Inner West Courier inner city	\$1,410.72
Southern Courier	\$2,013.00
Central	\$1,739.40
Wentworth Courier	\$2,422.32
City Hub	\$1,116.67

IN-ROAD TREE PLANTINGS (\$103142)

12. By Councillor Scott

Question

Since 2004, broken down by year, how many in-road tree plantings has the City undertaken?

Since 2004, broken down by year, where has the City undertaken in-road tree plantings and at what cost for each project?

Broken down by year, how many in-road tree plantings does the City plan to undertake over the forthcoming four years?

Broken down by year, where will future in-road tree plantings be undertaken and at what cost for each project?

How was the priority for each in-road tree planting determined and who was consulted?

Answer by the Lord Mayor

Assuming comparable data is available for the period requested, I have asked the CEO for this information to be compiled. Due to the short time frame and the amount of work involved in extracting and compiling this information, a response will be provided to a future meeting of Council.

LANEWAY UPGRADES (S103142)

13. By Councillor Scott

Question

Since 2004, broken down by year, how many of the City's laneways have been upgraded?

Since 2004, broken down by year, which of the City's laneways have been upgraded and at what cost for each?

Broken down by year, how many of the City's laneways are projected to be upgraded over the forthcoming four years?

Broken down by year, which of the City's laneways 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 laneways over the forthcoming four years?

How was the priority for each laneway upgrade determined and who was consulted?

Answer by the Lord Mayor

Assuming comparable data is available for the period requested, I have asked the CEO for this information to be compiled. Due to the short time frame and the amount of work involved in extracting and compiling this information, a response will be provided to a future meeting of Council.

STREET UPGRADES (S103142)

14. By Councillor Scott

Question

Since 2004, broken down by year, how many street upgrades has the City undertaken?

Since 2004, broken down by year, where has the City undertaken street upgrades and at what cost for each project?

Broken down by year, how many street upgrades does the City plan to undertake over the forthcoming four years?

Broken down by year, where will future street upgrades be undertaken and at what cost for each project?

How was the priority for each street upgrade determined and who was consulted?

Answer by the Lord Mayor

Assuming comparable data is available for the period requested, I have asked the CEO for this information to be compiled. Due to the short time frame and the amount of work involved in extracting and compiling this information, a response will be provided to a future meeting of Council.

CYCLE PATHS (S103142)

15. By Councillor Scott

Question

Since 2004, broken down by year, how many cycle paths has the City completed?

Since 2004, broken down by year, where has the City constructed cycle paths and at what cost for each project?

Broken down by year, how many new cycle paths does the City plan to construct over the forthcoming four years?

Broken down by year, where will future new cycle paths be constructed and at what cost for each project?

How was the priority for each cycle path determined and who was consulted?

Answer by the Lord Mayor

Assuming comparable data is available for the period requested, I have asked the CEO for this information to be compiled.

Due to the short time frame and the amount of work involved in extracting and compiling this information, a response will be provided to a future meeting of Council.

LORD MAYOR'S NEW YEAR'S EVE PARTY (S103142)

16. By Councillor Scott

Question

What was the total cost of the 2012 Lord Mayor's New Year's Eve Party, broken down by printing costs, catering costs, staff costs, venue hire, and any other costs?

What was the total cost of the 2013 Lord Mayor's New Year's Eve Party, broken down by printing costs, catering costs, staff costs, venue hire, and any other costs?

What was the total cost of the 2014 Lord Mayor's New Year's Eve Party, broken down by printing costs, catering costs, staff costs, venue hire, and any other costs?

Answer by the Lord Mayor

Category comparison	2012	2013	2014
Artists	\$55,440	\$56,967	\$52,970
Infrastructure	\$114,959	\$114,421	\$120,628
Scenic and production	\$134,627	\$154,965	\$170,959
Tax	\$66,400	\$29,386	\$37,545
Staffing	\$81,418	\$82,970	\$79,686
Catering	\$152,649	\$162,976	\$165,174
Security	\$22,871	\$24,125	\$24,849

Category comparison	2012	2013	2014
Venue Costs	\$29,662	\$39,512	\$35,217
Sponsorship activations – inc. printing costs	\$25,430	\$26,794	\$19,135
TOTAL	\$683,456	\$692,116	\$706,163

Venue costs include the cost of firing fireworks from the sails of the Sydney Opera House.

Printing costs are included in Sponsorship costs, as all invitations and other printing include partner logos.

CLEVELAND HOUSE, SURRY HILLS (S103142)

17. By Councillor Scott

Question

What actions have the City undertaken to preserve the heritage of Cleveland House at 146-164 Chalmers Street, Surry Hills?

Are any future actions proposed to preserve the heritage of Cleveland House? If so, what future actions are proposed?

Answer by the Lord Mayor

Cleveland House was designed by the well-known colonial architect Francis Greenway, built in c1823, and is among the earliest homesteads in Australia. The house is highly significant and is currently listed under both NSW State Heritage Register and Sydney Local Environment Plan.

The main responsibility for preserving Cleveland House lies with its owner and occupant, LGS Enterprises Pty Ltd. It is this company's obligation to keep the building well maintained and safe. As the house is listed as a State heritage item, NSW Heritage Council, under the Heritage Act 1977, can intervene in conservation matters, including the issue of repair orders, to assessment of building works and provision heritage funding assistance. In August 2010, the NSW Heritage Council issued an order on the property requiring urgent repair works. In the 2011-2013 NSW Heritage Grants program, the Heritage Council approved a \$50,000 grant for conservation works to Cleveland House.

Conservation works to Cleveland House are currently underway. These include the repair and upgrading of the verandah and stormwater system. The works were approved by NSW Heritage Council in 2012 and by the City of Sydney in 2012 (via confirmation of heritage works without DA consent) and in 2014 (D/2014/381). Most of the approved works have been completed. An application by the owner has been lodged with NSW Heritage Council seeking consent for reconstruction and restoration of the roofing, chimneys and walls. The City of Sydney expects to receive this development application soon.

Council's heritage staff inspected the house in November 2011 and found the interior of the house intact and in a fair condition. When the current and projected conservation works to the exterior of the house are completed, the building will be in a good repair.

City of Sydney actions to preserve Cleveland House

The City of Sydney works to conserve Cleveland House under the framework of the Environmental Planning and Assessment (EP&A) Act and through making and implementing planning instruments. By listing Cleveland House as a local heritage item and listing its surrounding area as a heritage conservation area (Cleveland Garden Conservation Area), council applies heritage planning controls to works and development on the site and on the properties and public domain in its vicinity. By these means we try to ensure that the significance of Cleveland House, including its setting and curtilage, is preserved and not harmed by new developments.

Council staff in the planning and building sections provided professional and technical assistance to the owner in relation to the proposed conservation works. In 2013, the owner Brian Vincent wrote to City CEO asking for Council's support for the reinstatement of front stairs and fencing, which would encroach on the public land on Bedford Street. After co-ordinated discussions between Council's planning, public domain, infrastructure and legal sections, the director of Planning Development and Transport replied to Mr. Vincent, suggesting in-principle support of the proposed stairs and stipulating the additional information needed to proceed with the project. To date, the design of this stair has not been finalised or agreed to.

During 2013, when the work on the verandah and drainage started, Council's heritage staff regularly met with the project architect and the owner and provided advice on specific conservation and construction issues.

Future actions

Council will continue its efforts in protecting the setting and visual curtilage of Cleveland House. The views from and to the house will be protected. The pocket park on Bedford St in front of Cleveland House will be retained, as specified in the land use zoning plan. In future developments of the Central to Eveleigh Corridor by the State government, we will ensure the vistas from Cleveland House to Prince Alfred Park and former Grose Farm (now the University of Sydney) are respected.

In future, Council may consider supporting the reinstatement of the original front stairs of Cleveland House by allowing the stairs to encroach on the public land provided the final design successfully addresses heritage impacts, public amenity and public safety.

Council staff will continue to provide assistance on the conservation works of Cleveland House. This includes assistance in investigating the building's history, providing technical advice and information on appropriately skilled tradespeople.

TREE LOSS IN SYDNEY PARK (S103146)

18. By Councillor Doughty

Question

What is the estimated number of trees that will be lost as a result of the impact of WestConnex on Sydney Park?

Answer by the Lord Mayor

Numbers are approximate, based on an estimate due to extent of works.

9 street trees to Sydney Park Road
89 street trees to Euston Road
43 street trees to Campbell Road
76 trees within Sydney Park

Totals:

141 street trees
76 park trees
217 total estimated removed.

FREE PUBLIC WIFI IN SYDNEY CBD (S103145)

19. By Councillor Green

Question

The Notice of Motion on 30 March 2015 requested the Chief Executive Officer work closely with the NSW Government to deliver free WiFi within the Sydney CBD and report back to Council via the CEO update on progress.

1. Most Australian capital cities (Adelaide, Melbourne, Canberra, Perth and Brisbane) provide free WiFi in key CBD and public space locations and target high activity areas through partnerships between local and state government and the private sector.
2. On 24 September 2015, The Sydney Morning Herald reported that Transport for NSW, as an incentive to attract shoppers into George Street especially for the festive season, would provide free WiFi.
3. The former Sydney Harbour Foreshore Authority was investigating opportunities for provision of free WiFi in key areas of The Rocks and Circular Quay.

Can the Chief Executive Officer please provide an update on progress of negotiations with the NSW Government for the provision of CBD free WiFi?

Answer by the Lord Mayor

City staff are in regular contact with Sydney Harbour Foreshore Authority, and have recently been invited to take part in the project. The Authority has recently moved into NSW Government Property within the Department of Finance and Services cluster, which has resulted in some delays.

CITY OF SYDNEY UNOCCUPIED BUILDINGS (S103148)

20. By Councillor Forster

Question

In response to a Question on Notice in October 2015, the Lord Mayor provided a list of Council-owned properties that are currently unoccupied. This list did not include the Fig and Wattle Street Depot; properties along Oxford Street, including 74-76 and 110-122 Oxford Street; or basement properties in Foley Street, which are currently unoccupied.

Could the Lord Mayor please provide a complete list of all City-owned properties which are currently not occupied, leased or being put to other community and/or commercial use, and the reasons for their disuse?

Answer by the Lord Mayor

City-owned properties which are currently not occupied, leased or being put to other community and /or commercial use have been defined as unoccupied buildings, that is, those buildings that are currently uninhabitable due to the following circumstances:

- (1) property is a Capital Works Corporate Plan item, with significant construction activity underway/planned to commence;
- (2) property is earmarked for imminent upgrade works, scope of such upgrades is often defined during the process of being leased with scope matching the intended end-use;
- (3) property is listed for delivery of strategic infrastructure and/or allocated for disposal.

Eighteen buildings fall within these definitions and are listed below:

- (1) Capital Works Corporate Plan Items (construction activity underway/planned to commence)

1-5 Flinders Street, Surry Hills, 2010

Royal South Sydney Hospital Building (former), 3 Joynton Avenue, Zetland, 2017

Esme Cahill Building, 3 Joynton Avenue, Zetland, 2017

Tram shed Hyde Park, 110 Elizabeth Street, Sydney, 2000

East Sydney Community and Arts Centre, in Albert Sloss Reserve, 225-245 Palmer Street, Darlinghurst, 2010

Juanita Nielsen Community Centre, 31 Nicholson Street, Woolloomooloo, 2011

277-279 Bourke Street, Darlinghurst, 2010

Taylor Square Pumphouse, 136 Oxford Street, Darlinghurst, 2010

The Crescent – 3-7 and 9 is vacant pending Johnsons Creek Masterplan – fast track childcare will be developed on part of this land.

- (2) Imminent Upgrade Prior to Leasing/Occupation Stage or Demolition

The following buildings cannot be occupied in their current state. These properties have been matched against customer needs. The City is currently undertaking feasibility to determine cost of works.

WBG Incinerator, Glebe Foreshore Walk East, 53 Forsyth Street, Glebe, 2037

Status: formal Council approval being sought at the October 2015 meeting to lease this building.

Pump Room- Sydney Park, 167-169 Euston Road, Alexandria, 2015

Status: minor update planned to permit occupation by City Farm for storage use.

Club Room - Jubilee Park, 2 Federal Road, Glebe, 2037

Status: update planned to permit use by local Community Sporting groups.

17A Albert Street, Erskineville, 2043

Status: update being considered to permit use for Creative City.

Annex - Kellett Place, 66-68 Kellett Street, Potts Point, 2011

Status: demolition being considered due to poor condition which permits reclamation of park land. (Note a tree is growing through the roof.)

(3a) Listed for Delivery of Green Square Infrastructure and Facilities

Mandible Industrial, 41 Mandible Street, Alexandria, 2015

330-332 Botany Road, Alexandria, 2015

334-336 Botany Road, Alexandria, 2015

338 Botany Road, Alexandria, 2015

(3b) Divestment

75-77 Kellick Street, Waterloo, 2016 - Contracts exchanged.

The above property list submitted in October 2015 did not include the following Council owned properties for the following reasons:

- 56-78 Oxford Street (inclusive of Foley Street premises) - is not unoccupied as there are currently 30 premises leased/licensed in this property; 8 premises pending capital works and nil premises vacant to be leased.
- 82-106 Oxford Street – is not unoccupied as there are currently 41 premises leased/licensed in this property; 5 premises pending capital works and 7 premises vacant to be leased.
- 110-122 Oxford Street – is not unoccupied as there are currently 7 premises leased/licensed in this property; 7 premises pending capital works and 1 premise vacant to be leased.
- 17-19 Albert Street, St Peters – terms agreed with Roads and Traffic Authority – required for by WestConnex.
- Fig & Wattle Street Depot – Councillors are aware that the licences over this site were terminated to permit the sale of this property to the Department of Education. The bulk of the City's sandstone and trachyte has been relocated to another City-owned site, with the remaining stock to be auctioned on site.
- 20 O'Riordan Street, Alexandria 2015 – forms part of the list for Delivery of Green Square Infrastructure and Facilities

SMOKE-FREE AREAS (S103148)

21. By Councillor Forster

Question

Is the function of the cigarette butt bins in Martin Place, which have the potential to encourage smokers to gather and smoke nearby, being reviewed as part of the current and ongoing Smoke-Free Trial?

Answer by the Lord Mayor

The placement of the bins, with the inclusive ash trays, in Martin Place was reviewed prior to the implementation of the trial. It was resolved that that bins would remain in their current locations to allow members of the public entering Martin Place to have the opportunity to adequately and safely dispose of cigarette butts once made aware of the smoke free trial. The bins in the area attract a high usage by all pedestrians, not just smokers. Further consideration will be given during evaluation at the completion of the trial in May 2016.

CENTRAL PARK (S103148)

22. By Councillor Forster

Question

I continue to receive a significant amount of correspondence from residents of Central Park, Chippendale, highlighting serious concerns they have with issues such as illegally parked vehicles, development application breaches and illegal occupation of properties within the precinct. Can the Lord Mayor please provide updated information in relation to the following concerns, including action the City has taken to address the following issues?

1. Illegally parked vehicles along Chippendale Way: Has this road been dedicated to the City? If so, have City Rangers been patrolling the area? How many parking infringements have been issued in the area?
2. Breaches of DA conditions by restaurants and other retail outlets located in and around Chippendale Green: How many noise complaints has the City received related to restaurants and food outlets in the open, lower ground areas near the Green? How many noise complaints has the City received relating to public events and markets held in the open space on Chippendale Green?
3. Illegal Accommodation: How many complaints has the City received about apartments at Central Park being used for illegal accommodation? What action is the City taking to address this issue in the complex? Can the Lord Mayor please provide an update on the City's promised review of the impacts and its policy on short-term accommodation?

Answer by the Lord Mayor

1. Chippendale Way has been dedicated to the City. Rangers who perform regular patrols of Chippendale Way, both proactively and in response to complaints from members of the public. So far this year, rangers have issued 52 penalty notices in Chippendale Way.

2. In the past six months, complaints received have been only about Coco Cubano restaurant (located in the open, lower ground areas near the Green), and about some of the outdoor events held in the park. Approximately four complaints were lodged in the past six months about Coco Cubano, and several more in the months prior to that. Approximately 10 complaints have been received about various events held in the park in the past three months, such as the Brewery Markets, silent dance parties, and other events with live music. These complaints have been investigated by Health and Building officers and Rangers, but none have resulted in enforcement action being taken. The reason for this is due to a lack of specific details being provided by complainants in a timely manner, and a lack of cooperation by the complainant to allow access or to provide further information. There have been additional complaints made to the NSW Department of Planning and Environment in this time.
3. In the past six months, approximately 10 complaints have been received about alleged unauthorised accommodation in Central Park residential towers. In some cases, the strata management were notified of the issue to allow them to manage the issue in the first instance. Health and Building have been prevented from taking action in some cases because the complaints have not provided specific unit numbers, only references to the Air BNB website (which do not provide specific unit numbers). In other cases, inadequate information about the alleged 'overcrowding' was provided to Council to justify action such as the issuing of search warrants or notices of entry.

The City is supporting both policy and legislative development in the area of short term accommodation. This is being achieved by actively working with and providing submissions to key stakeholders to NSW Government Inquiries and other government agencies. The City has also engaged with the Victorian Government who are reviewing short term accommodation policy.

Senior City staff continue to hold regular meetings as part of a strategic project plan and share ideas and suggested changes to ensure a whole of government approach to reviewing short term accommodation policy is achieved.

On a practical level, the City has successfully formed an investigation team which continues to disrupt and dismantle organised illegal accommodation networks. A number of prosecutions are underway, which include the Burrows Road, Alexandria fire and the operators of the former Banana supermarket in the Chippendale area, with further criminal charges under consideration.

The City continues to advocate for a State-wide policy for the short term tourist and visitor accommodation market. It is hoped that these changes will provide clarity both from an operators and enforcement perspective.

ITEM 15 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS

There were no supplementary answers to previous Questions on Notice for this meeting of Council.

ITEM 16 NOTICES OF MOTION**ENHANCED BUSINESS CHAMBER AND BUSINESS ASSOCIATION SUPPORT (S103138)**

1. Moved by Councillor Vithoukias, seconded by Councillor Kemmis -

It is resolved that:

(A) Council note:

- (i) business chambers and other business associations play an important role in providing a voice for business that is independent of Government. At the same time, they work with local businesses to represent, stimulate and drive the local economy. Many business chambers are run by volunteers who also run their own businesses rather than paid staff;
- (ii) the City of Sydney is signatory to the Small Business Friendly Councils program that was launched by the Office of the NSW Small Business Commissioner, in partnership with the New South Wales (NSW) Business Chamber, in September 2014. The Small Business Commissioner's Office promotes business advisory services through the Small Biz Connect Program;
- (iii) the City of Sydney currently offers competitive grants to business chambers and other organisations under various programs guided by the Grants and Sponsorship Policy;
- (iv) a number of the City of Sydney's grants programs are designed to further the objectives of Sustainable Sydney 2030 by supporting the enhancement of local economies to develop the capacity of small business. These programs include the Business Improvement Grant, Village Business Grant and Commercial Creative and Business Events grants; and
- (v) a number of business chambers located within the City of Sydney Local Government Area are Local Chamber Alliance partners of the NSW Business Chamber. The NSW Business Chamber provides support to these chambers through the Local Chamber Alliance Program and online portal which assists executive members of the various business chambers by providing, amongst other things, online education programs, including information about obtaining grants and sponsorships; and

(B) the Chief Executive Officer be requested to:

- (i) write to the NSW Business Chamber and the NSW Small Business Commissioner, seeking to discuss ways in which the City of Sydney can further support their work with local business chambers and business associations in our Local Government Area, including the delivery of tailored programs for business chambers and business associations which could encompass grant and sponsorship programs including the development of objectives, policies, budgets, risk analysis, strategies and timelines; and

- (ii) consider offering the use of training facilities located in the Local Government Area, if required, for the NSW Business Chamber and the NSW Small Business Commissioners office to deliver tailored grant and sponsorship training.

Carried unanimously.

NO BUSINESS IN ABUSE (S103137)

2. By Councillor Doutney -

It is resolved that:

(A) Council note:

- (i) in Australia, the management of offshore immigration detention centres is outsourced to private companies under government contracts;
- (ii) there is a substantial body of evidence which suggests that there is widespread and regular human rights abuses occurring in the Nauru and Manus Island detention centres. The evidence includes, but is not limited to:
 - (a) revelations in a 2015 Senate Committee that centre management has received 67 allegations of child abuse up to May 2015 at the Nauru based detention centre;
 - (b) reports that, at the Manus Island Detention Centre, three guards have been accused of raping a local PNG woman;
 - (c) the UNHCR's condemnation of the two offshore detention centres for their poor conditions and the impact these conditions are having on the mental and physical health of detainees; and
 - (d) recent reports of a Somali refugee being raped at the Manus Island detention centre. At the time of writing, she is still seeking medical treatment and a termination, which is illegal in PNG; and
- (iii) the No Business in Abuse (NBIA) campaign is working to end the practice of corporations profiting from human rights abuses within the Australian immigration detention system. NBIA is calling on individuals, corporations and investors to sign a pledge that states that all companies should:
 - (a) have zero tolerance for child abuse;
 - (b) respect people's fundamental rights to freedom from arbitrary and indefinite detention;
 - (c) not treat people in a cruel, inhumane or degrading manner; and
 - (d) commit to transparency and independent monitoring to ensure these principles are upheld; and

(B) the Chief Executive Officer be requested to:

- (i) sign the No Business in Abuse pledge on behalf of the City of Sydney; and

- (ii) update the investment policy to make any necessary changes to ensure that the City honours its pledge.

Note – at the meeting of Council, the content of the original Notice of Motion was varied by Councillor Doutney. Subsequently, it was:

Moved by Councillor Doutney, seconded by Councillor Kemmis –

It is resolved that:

(A) Council note:

- (i) in Australia, the management of offshore immigration detention centres is outsourced to private companies under government contracts;
- (ii) there is a substantial body of evidence which suggests that there is widespread and regular human rights abuses occurring in the Nauru and Manus Island detention centres. The evidence includes, but is not limited to:
 - (a) revelations in a 2015 Senate Committee that centre management has received 67 allegations of child abuse up to May 2015 at the Nauru based detention centre;
 - (b) reports that three Manus Island Detention Centre guards have been accused of raping a local PNG woman;
 - (c) the UNHCR's condemnation of the two offshore detention centres for their poor conditions and the impact these conditions are having on the mental and physical health of detainees; and
 - (d) recent reports of a Somali refugee being raped at the Nauru detention centre. At the time of writing, she is still seeking medical treatment and a termination, which is illegal in Nauru; and
- (iii) the No Business in Abuse (NBIA) campaign is working to end the practice of corporations profiting from human rights abuses within the Australian immigration detention system. NBIA is calling on individuals, corporations and investors to sign a pledge that states that all companies should:
 - (a) have zero tolerance for child abuse;
 - (b) respect people's fundamental rights to freedom from arbitrary and indefinite detention;
 - (c) not treat people in a cruel, inhumane or degrading manner; and
 - (d) commit to transparency and independent monitoring to ensure these principles are upheld; and

(B) the Chief Executive Officer be requested to:

- (i) sign the No Business in Abuse pledge on behalf of the City of Sydney; and
- (ii) conduct a review of the City of Sydney's investments and contracts to ensure that the City honours the pledge.

Variation. At the request of Councillor Kemmis, and by consent, the motion was varied by the deletion in clause (B)(ii) of the word "investments and contracts" and the substitution of the words "investment and procurement policies".

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.

CIVIC SQUARE PROJECT (S103133)

3. Moved by Councillor Scott, seconded by Councillor Vithoukas -

It is resolved that:

(A) Council note:

- (i) on Monday 16 November 2015, the NSW Government announced the plans for Stage 2 of the Sydney Metro project; and
- (ii) on 22 August 2011, Council resolved that the period for commercial and retail leases for properties on lands required for Town Hall Square, including any future properties purchased for Town Hall Square, be extended to the end of 2021 to coincide with the earliest date that these sites are to be required for the construction of the Square;

(B) the Chief Executive Officer be requested to immediately return to Council in 2016 with a fast-tracked proposal detailing funding and project work for the construction of the proposed civic square, commencing in 2017; and

(C) Council request that green space for the CBD be guaranteed as a component of the new public space in the development.

The motion was lost on the following show of hands –

Ayes (1) Councillor Scott

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

Motion lost.

LACK OF ON SITE STAFF PARKING FOR RPA HOSPITAL WORKERS (S103133)

4. Moved by Councillor Scott, seconded by Councillor Doutney -

It is resolved that:

(A) Council note:

- (i) the recent announcement of the privatisation of the RPA multi-storey carpark in Camperdown and its management by private operator Secure Parking;
 - (ii) that, under this new management, the parking fees have doubled and that staff have been advised that 600 out of 1200, or half of all spaces, will be closed to make way for new construction;
 - (iii) that the NSW Government's commitment to build another 1,000 multi-storey car park on the site has already been criticised by hospital staff representatives as unable to meet the long standing critical shortage of staff car parking;
 - (iv) that hospital staff are rostered on at times during the day and night and therefore public transport is not a solution for all hospital workers all of the time;
 - (v) that hospital staff are essential workers and very many do not live locally due to the lack of affordable housing for essential workers in the inner city; and
 - (vi) that, without support in areas such as staff parking, working at RPA becomes less attractive to the most qualified and talented healthcare professionals, ultimately becoming a public health and safety issue that affects the local community as the RPA will struggle to attract such staff; and
- (B) the Chief Executive Officer be requested to write to the NSW Minister for Health, the Premier, and the Local Health District to explain Council's parking restrictions in the local area and the impact on residents and businesses of both increased staff parking on surrounding residential streets, and the longer term impact of RPA losing valuable staff as restrictions such as lack of staff parking force staff to seek work elsewhere.

Variation. At the request of Councillor Green, and by consent, the motion was varied by the deletion of clause (B) and the substitution of the following new clause (B):

- (B) the Chief Executive Officer be requested to arrange for City staff to meet with staff of the NSW Health Department, Local Health District and RPA to discuss parking for essential hospital workers and the impact of a loss of on-site provision on surrounding residents and businesses.

The motion, as varied by consent, was carried.

FIG AND WATTLE STREET DEPOT (S103133)

5. By Councillor Scott -

Note - This matter was dealt with at an earlier stage of the meeting (see page 2251).

66-68 KELLETT STREET, POTTS POINT 2011 (S103139)

6. By Councillor Forster -

It is resolved that:

- (A) Council note:

- (i) Annex - Kellett Place, 66-68 Kellett Street, Potts Point, was recently identified as a City-owned property being considered for demolition due to its poor condition;
 - (ii) the owner of the adjoining and interconnected property at 62-64 Kellett Street, currently leased to Organix Café, had previously been in negotiations with the City with the aim of using the City-owned space at 66-68 Kellett Street as an extension of the neighbouring café business;
 - (iii) an extension of the café business in 62-64 Kellett Street into the adjoining property at 66-68 Kellett Street has the potential to increase foot traffic in the area and improve amenity in the adjoining open space, which currently attracts anti-social behaviour and is prone to the dumping of refuse and associated vermin infestation;
 - (iv) despite assurances that the owner of 62-64 Kellett Street is willing to pay for interior upgrades and refurbishment of 66-68 Kellett Street, Council withdrew from negotiations and the City-owned property has subsequently fallen into disrepair; and
 - (v) a portion of 66-68 Kellett Street lies across the boundary of 62-64 Kellett Street, thereby complicating arrangements should the City choose to demolish that building; and
- (B) the Chief Executive Officer be requested to reopen negotiations with the owner of 62-64 Kellett Street, Potts Point, with the aim of discussing potential refurbishment and re-use of the City-owned property at 66-68 Kellett Street.

Note – at the meeting of Council, the content of the original Notice of Motion was varied by Councillor Forster. Subsequently, it was:

Moved by Councillor Forster, seconded by Councillor Mandla –

It is resolved that:

- (A) Council note:
- (i) Annex - Kellett Place, 66-68 Kellett Street, Potts Point, was recently identified as a City-owned property being considered for demolition due to its poor condition;
 - (ii) the owner of the adjoining and interconnected property at 62-64 Kellett Street, currently leased to Organix Café, had previously been in negotiations with the City with the aim of using the City-owned space at 66-68 Kellett Street as an extension of the neighbouring café business;
 - (iii) an extension of the café business in 62-64 Kellett Street into the adjoining property at 66-68 Kellett Street has the potential to increase foot traffic in the area and improve amenity in the adjoining open space, which currently attracts anti-social behaviour and is prone to the dumping of refuse and associated vermin infestation;
 - (iv) despite assurances that the owner of 62-64 Kellett Street is willing to pay for interior upgrades and refurbishment of 66-68 Kellett Street, Council withdrew

from negotiations and the City-owned property has subsequently fallen into disrepair; and

- (v) the property in question is currently zoned as community land under the Sydney Local Environmental Plan 2012 and would need to be rezoned as operational land to accommodate any extension of the neighbouring business or the creation of an additional business in this location; and

(B) the Chief Executive Officer be requested to:

- (i) investigate options, including holding discussions with business and restaurant operators in the vicinity, for the rejuvenation and reactivation of the open space bounded by Roslyn Street and Ward Avenue, Potts Point, which is adjacent to 66-68 Kellett Street.

Foreshadowed motion. Councillor Green foreshadowed that, should Councillor Forster's motion be lost, she would move the following alternative motion.

It is resolved that Council:

(A) note that:

- (i) on 10 December 2012, Council unanimously resolved to approve the granting of a retail lease over the Annex at 66 Kellett Street, Kings Cross to Yansue Pty Limited, with authority delegated to the Chief Executive Officer to finalise the terms of the lease and authorise its execution on behalf of Council;
- (ii) the proposed lessee and sub-lessee did not proceed with the lease; and
- (iii) the Annex is located on the City-owned land known as Kellett Way which is designated community land. Zoning permits mixed commercial and retail use and open space; and

(B) as there is a range of alternative uses, request the Chief Executive Officer to report to Council on options for 66-68 Kellett Street, Potts Point, taking into account:

- (i) the capacity of this site to make a worthwhile contribution to open space in the Potts Point area; and
- (ii) the capacity of this site having regard to its current condition to generate revenue and thus make a financial contribution to the amenity of the Potts Point area.

Variation. At the request of Councillor Green, and by consent, the motion moved by Councillor Forster was varied such that it read as follows:

It is resolved that Council:

(A) note that:

- (i) on 10 December 2012, Council unanimously resolved to approve the granting of a retail lease over the Annex at 66 Kellett Street, Kings Cross to Yansue Pty Limited, with authority delegated to the Chief Executive Officer to finalise the terms of the lease and authorise its execution on behalf of Council;

- (ii) the proposed lessee and sub-lessee did not proceed with the lease; and
 - (iii) the Annex is located on the City owned land known as Kellett Way which is designated community land. Zoning permits mixed commercial and retail use and open space; and
- (B) as there are a range of alternative uses, request the Chief Executive Officer to:
- (i) report to Council on options for 66-68 Kellett Street, Potts Point, taking into account:
 - a. the capacity of this site to make a worthwhile contribution to open space in the Potts Point area; and
 - b. the capacity of this site having regard to its current condition to generate revenue and thus make a financial contribution to the amenity of the Potts Point area; and
 - (ii) investigate options, including holding discussions with business and restaurant operators in the vicinity, for the rejuvenation and reactivation of the open space bounded by Roslyn Street and Ward Avenue, Potts Point, which is adjacent to 66-68 Kellett Street.

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

CITY OF SYDNEY HOMELESSNESS STRATEGY 2007-2012 (S103139)

7. Moved by Councillor Forster, seconded by Councillor Mandla -

It is resolved that:

- (A) Council note:
- (i) on 6 August 2007, Council adopted the draft Homelessness Strategy 2007-2012;
 - (ii) the Strategy's planned review date was listed as December 2009, but this review has not taken place and the Strategy is now three years out of date;
 - (iii) since the Strategy's expiry in 2012, the NSW State Government has made a number of announcements in relation to homelessness policy, including a \$515 million package unveiled in June 2014 by then Family and Community Services Minister Gabrielle Upton to reduce homelessness and reduce repeat homelessness by tackling its causes; and
 - (iv) the City continues to work with a number of organisations, including Neami, Connect 100 and the Inner City Sydney Homelessness Prevention and Support Service for Young People, as part of its commitment to help those less fortunate, but does not have a current Homelessness Strategy; and
- (B) the Chief Executive Officer be requested to make arrangements to review and update the City of Sydney Homelessness Strategy 2007-2012.

Foreshadowed motion. Councillor Mant foreshadowed that, should Councillor Forster's motion be lost, he would move the following alternative motion:

It is resolved that Council note:

- (A) the NSW Government is primarily responsible for dealing with homelessness;
- (B) the City of Sydney has always been active in helping to address homelessness and, on 6 August 2007, Council adopted the Homelessness Strategy 2007-2012;
- (C) a review of the Strategy is included in the City's 2015 business plan and has commenced;
- (D) in October 2014, Council approved a framework for the City's role in providing and investing in homelessness service provision, including annual grant funding of \$1.4M;
- (E) in November/December 2015, the City, in partnership with the Haymarket Foundation, Neami National, Homelessness NSW and The Mercy Foundation, undertook 'Registry Week' – a detailed survey of people experiencing homelessness in the City. This survey will inform the City's future provision of housing and support services for vulnerable members of our community;
- (F) in September 2015, the Lord Mayor wrote to the Minister for Family and Community Services to request a partnership between Federal and State Government and the City to deliver another Common Ground project in the City's Local Government Area, building on the successful Camperdown Common Ground initiative in which the City was involved; and
- (G) the City continues to work with a number of organisations, including Neami, Connect 100 and the Inner City Sydney Homelessness Prevention and Support Service for Young People, as part of its commitment to help those less fortunate.

Following discussion, Councillor Forster withdrew her Notice of Motion.

WESTCONNEX CITY OF SYDNEY BRIEFING (S103136)

8. By Councillor Green -

It is resolved that:

- (A) Council note:
 - (i) City of Sydney Councillors and staff were recently briefed on progress of WestConnex, however, many questions were unable to be answered by the Government representatives;
 - (ii) no detailed traffic modelling has been done on impacts of projected traffic increase into major residential renewal precincts of Green Square and Alexandria;
 - (iii) the absence of funding to build direct roadway connection to Kingsford Smith Airport and Port Botany for traffic coming from areas outside of the inner city;

- (iv) proposed six-lane freeway and ventilation stacks in close proximity to Sydney Park; and
 - (v) the need for all relevant government agencies to be fully briefed by Council staff on City projects and renewal precincts to overcome any misapprehension of precinct demographics, and potential impacts of current plans for traffic increase into new residential developments; and
- (B) the Chief Executive Officer be requested to write to the WestConnex Authority to:
- (i) arrange a further briefing for City of Sydney Councillors and staff by all relevant government agencies at the earliest possible date in 2016;
 - (ii) request that traffic modelling related to major new residential areas in the LGA be developed and fully addressed at this briefing; and
 - (iii) request that WestConnex works in the City's LGA cease until these critical issues have been addressed.

Note – At the meeting of Council, Councillor Green withdrew her Notice of Motion, the matters raised in it having been dealt with at an earlier stage of the meeting in Item 3.2.

This item was deferred from an earlier stage of the meeting (see page 2231).

Business of which due notice had not been given

At this stage of the meeting, at 9.25pm, the proposed motion was then moved by Councillor Mandla, seconded by Councillor Forster -

Archway 1 Theatre

It is resolved that:

(A) Council note:

- (i) on 4 December 2015, the City served an eviction notice upon the Occupants of Archway 1, 11-13 The Crescent, Annandale;
- (ii) the notice provides for seven days to deliver up vacant possession of the premises;
- (iii) the Occupants, Stephan Reich and Rachel Jordan, have operated the premises as (amongst other things) the Archway 1 Theatre Company and the Archway 1 Art Studio for over a decade;
- (iv) these initiatives are unincorporated associations operated on a not-for-profit basis. The operation of this site has been without incident;
- (v) the operation of the premises at this location is overwhelmingly in the public interest. There is broad community support for its operation;
- (vi) the operation of this initiative provides activity and community engagement in this area of the LGA. Should this cease, it is easily conceivable that it would revert to a homeless enclave not dissimilar to Wentworth Park;
- (vii) the legal basis of the occupancy at this time appears ambiguous. A licence agreement exists, but has not been executed by Council. It is possible a deemed lease or licence may exist;
- (viii) the conduct of this matter appears to be arbitrary, unfair and does not seem to have afforded the users of this space natural justice;
- (ix) upon attendance and inspection, fire services in the premises appear to be satisfactory. No other obvious hazards were in evidence; and
- (x) the balance of convenience lies in the continued operation of the premises until 31 July 2016, until consultation and consideration of the premises can be undertaken and the legal nature of the occupancy determined, and community consultation undertaken; and

(B) the Chief Executive Officer be requested to:

- (i) extend the tenure of the premises until 31 July 2016, allowing operation its current form;
- (ii) serve notice upon the Occupants to this effect; and

- (iii) undertake an assessment of the premises and undertake community consultation to determine the best use of the premises.

Foreshadowed motion. The Chair (the Lord Mayor) foreshadowed that, should the motion by Councillor Mandla be lost, she would move the following motion.

It is resolved that, subject to the receipt of an undertaking by 5pm Friday 18 December 2015 from Rachel Jordan and Stefan von Reiche in relation to the premises known as Archway 1, 11-13 The Crescent in the form required under the letter dated 11 December 2015 from the City of Sydney to Mr William Beattie:

- (A) the Chief Executive Officer (CEO) be directed to undertake a review by 4 January 2016 of the health and safety actions required to enable Archway 1 to be used as a complying non-residential artist workshop; and
- (B) the CEO prepare a further report to Council by Friday 8 January 2016 requesting the Council to determine any required health and safety works to Archway 1 and, if undertaken, to determine a new termination date for the occupation of Archway 1 beyond the 1 February 2016 vacation date provided for in the undertaking referred to above.

The motion moved by Councillor Mandla was lost on the following show of hands –

Ayes (1) Councillor Mandla.

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

Motion lost.

The Chair (the Lord Mayor) then moved her foreshadowed motion, seconded by Councillor Kemmis.

The motion moved by the Chair (the Lord Mayor) was carried unanimously.

At 9.38pm the meeting concluded.

Chair of a meeting of the Council of the City of Sydney held on 29 February 2016 at which meeting the signature herein was subscribed.