

COUNCIL

Meeting No 1
Monday 29 February 2016
Notice No 1/1570
Notice Date 25 February 2016

minutes

city of villages

INDEX TO MINUTES

ITEM	PAGE NO
1. CONFIRMATION OF MINUTES	6
2. DISCLOSURES OF INTEREST.....	7
3. MINUTES BY THE LORD MAYOR –	
3.1 VALE ROBYN KEMMIS.....	8
3.2 AUSTRALIA DAY HONOURS FOR COUNCILLOR JOHN MANT	11
3.3 SUPPORTING OUR GLBTI COMMUNITIES	12
3.4 2015 SYDNEY NEW YEAR’S EVE AND CHINESE NEW YEAR FESTIVAL 2016	17
3.5 WESTCONNEX COSTS TO OUTWEIGH ANY BENEFITS	20
4. MEMORANDA BY THE CHIEF EXECUTIVE OFFICER –	
4.1 ELECTION OF DEPUTY LORD MAYOR (CONSEQUENTIAL TO A VACANCY IN CIVIC OFFICE).....	27
4.2 ELECTION OF DEPUTY CHAIRPERSON - CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE(CONSEQUENTIAL TO A VACANCY IN CIVIC OFFICE)	29
4.3 INCLUSION (DISABILITY) ADVISORY PANEL – RECRUITMENT OF NEW MEMBERS AND RE-APPOINTMENT OF CONTINUING MEMBERS	31
5. MATTERS FOR TABLING	35
6. REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 22 FEBRUARY 2016	36
6.1 DISCLOSURES OF INTEREST	37
6.2 2015/16 QUARTER 2 REVIEW - DELIVERY PROGRAM 2014- 2017.....	37
6.3 INVESTMENTS HELD AS AT 31 DECEMBER 2015.....	38
6.4 INVESTMENTS HELD AS AT 31 JANUARY 2016	38
6.5 AMENDMENT TO THE CITY’S CODE OF CONDUCT	38
6.6 NAMING PROPOSAL - THE GREEN SQUARE COMMUNITY AND CULTURAL PRECINCT	39

INDEX TO MINUTES

ITEM	PAGE NO
6.7	NAMING PROPOSAL - SYDNEY PARK WETLANDS - POST EXHIBITION 39
6.8	LAND CLASSIFICATION - 44 BOURKE ROAD ALEXANDRIA..... 40
6.9	LAND OWNER'S CONSENT – LODGEMENT OF A DEVELOPMENT APPLICATION FOR GREEN SQUARE PLAZA EVENTS 40
6.10	GREEN SQUARE TRUNK STORMWATER DRAIN - ADDITIONAL SCOPE 40
6.11	EXEMPTION FROM TENDER - HEAD CONTRACTOR HYDE PARK SOUTH CAFÉ AND LANDSCAPE WORKS 42
6.12	TENDER - MECHANICAL PLANT ROOM BOILER AND CHILLER REPLACEMENT - 343 GEORGE STREET SYDNEY 42
6.13	TENDER - CUSTOMS HOUSE - BUILDING MANAGEMENT CONTROL SYSTEM UPGRADE 43
6.14	TENDER - KENT STREET UNDERPASS UPGRADE 43
6.15	TENDER – HAROLD PARK – COUNCIL COMMUNITY CENTRE PROJECT 43
6.16	TENDER - WAYFINDING SIGNAGE IMPLEMENTATION - MANUFACTURE AND INSTALLATION SERVICES 44
6.17	TENDER - TURRUWUL PARK FITNESS HUB..... 44
6.18	TENDER - CITY FARM COMMUNITY HUB CONSTRUCTION 45
6.19	TENDER – CONSULTANCY SERVICES – CITY OF SYDNEY CURATOR..... 45
7.	REPORT OF THE ENVIRONMENT COMMITTEE - 22 FEBRUARY 2016..... 46
7.1	DISCLOSURES OF INTEREST 46
7.2	COMMUNITY GARDENS POLICY (INCLUDING COMMUNITY GARDEN GUIDELINES AND PREFERRED MATERIALS GUIDELINES) – ADOPTION..... 47
7.3	WOOLLOOMOOLOO, RUSHCUTTERS BAY AND CENTENNIAL PARK CATCHMENT AREAS FLOODPLAIN RISK MANAGEMENT STUDIES AND PLANS – ADOPTION 55

INDEX TO MINUTES

ITEM	PAGE NO
7.4 SYDNEY CITY CATCHMENTS – INCORPORATING THE CITY AREA AND DARLING HARBOUR CATCHMENTS – FLOODPLAIN RISK MANAGEMENT STUDIES AND PLANS – PUBLIC EXHIBITION.....	55
7.5 SCOPING – GREEN SQUARE TOWN CENTRE STREETS.....	55
7.6 SCOPING – GUNYAMA PARK AND GREEN SQUARE AQUATIC CENTRE, ZETLAND	56
8. REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 22 FEBRUARY 2016	57
8.1 DISCLOSURES OF INTEREST	58
8.2 CREATIVE SPACES AND THE BUILT ENVIRONMENT DISCUSSION PAPER – PUBLIC EXHIBITION	58
8.3 KNOWLEDGE EXCHANGE SPONSORSHIP – MUSIC AUSTRALIA – NATIONAL CONTEMPORARY MUSIC ROUNDTABLE 2016	58
8.4 KNOWLEDGE EXCHANGE SPONSORSHIP – NATIONAL CENTRE OF INDIGENOUS EXCELLENCE – INDIGENOUS DIGITAL EXCELLENCE NATIONAL SUMMIT 2016	59
9. REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 23 FEBRUARY 2016	60
9.1 DISCLOSURES OF INTEREST	61
9.2 PUBLIC EXHIBITION - PLANNING PROPOSAL: SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – REZONING OF SITES IN PYRMONT	62
9.3 PUBLIC EXHIBITION – 45 MURRAY STREET PYRMONT – PLANNING PROPOSAL AND SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENT	63
9.4 POST EXHIBITION - SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – 51-55 MISSENDEN ROAD CAMPERDOWN – PLANNING PROPOSAL – DRAFT DEVELOPMENT CONTROL PLAN – VOLUNTARY PLANNING AGREEMENT.....	63
9.5 POST EXHIBITION - PLANNING PROPOSAL: SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - HERITAGE LISTING OF ALEXANDRIA HOTEL - 35 HENDERSON ROAD EVELEIGH	64

INDEX TO MINUTES

ITEM	PAGE NO	
9.6	REVISED PLANNING PROPOSAL, DEVELOPMENT CONTROL PLAN AND PLANNING AGREEMENT - LEND LEASE CIRCULAR QUAY SITE - ALFRED PITT DALLEY AND GEORGE STREET BLOCK.....	65
9.7	POST EXHIBITION - SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – 230-238 SUSSEX STREET SYDNEY - PLANNING PROPOSAL – DRAFT SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENTS	66
9.8	PUBLIC EXHIBITION – 12-40 ROSEBERY AVENUE AND 108 DALMENY AVENUE ROSEBERY – PLANNING PROPOSAL AND DRAFT AMENDMENT TO SYDNEY DEVELOPMENT CONTROL PLAN 2012	66
9.9	FIRE SAFETY REPORTS	67
9.10	DEVELOPMENT APPLICATION: 33 HENDERSON ROAD ALEXANDRIA	68
9.11	DEVELOPMENT APPLICATION: 169 BOTANY ROAD WATERLOO.....	71
9.12	DEVELOPMENT APPLICATION: 206A-208 CLARENCE STREET SYDNEY.....	113
9.13	DEVELOPMENT APPLICATION: 180 AND 182 ST JOHN'S ROAD GLEBE - ROXBURY HOTEL AND ADJACENT TERRACE.....	151
9.14	DEVELOPMENT APPLICATION: 5 LEICHHARDT STREET GLEBE	179
9.15	DEVELOPMENT APPLICATION: 7A IVY STREET DARLINGTON	185
9.16	DEVELOPMENT APPLICATION: 100 BAYSWATER ROAD RUSHCUTTERS BAY - VIBE HOTEL	190
9.17	DEVELOPMENT APPLICATION: 163 VICTORIA STREET BEACONSFIELD	197
10.	EXEMPTION FROM TENDER – MANAGEMENT OF INDOOR AQUATIC LEISURE FACILITIES	218
11.	PROPOSED BIENNALE LEGACY ARTWORK PROJECT FOR THE 20TH BIENNALE OF SYDNEY	219
12.	1-5 FLINDERS STREET, DARLINGHURST	219
13.	QUESTIONS ON NOTICE	221

INDEX TO MINUTES

ITEM	PAGE NO
14. SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS	246
15. NOTICES OF MOTION	249

PRESENT

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

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

At the commencement of business at 5.03pm, those present were:-

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

Councillor Doutney left the meeting of Council at 10.29pm during discussion on Item 15.11 and returned at 10.35pm during discussion on Item 15.12.

Councillor Doutney left the meeting of Council at 10.36pm during discussion on Item 15.12 and did not return.

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, Director Workforce and Information Services 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 the Chair (the Lord Mayor), seconded by Councillor Green –

That the minutes of the meeting of Council of Monday 14 December 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 less than significant, non-pecuniary interest in Item 8.2 on the agenda in that the University of Sydney, which is her employer, was involved in the Creative Spaces and Built Environment Forum, however, it is not related to the section of the University where she is employed.

Councillor Scott also disclosed a less than significant, non-pecuniary interest in Item 15.8 on the agenda, a notice of motion relating to the elections for Local Government New South Wales, in that she was a successful candidate in those elections.

Councillor Christine Forster disclosed a less than significant, non-pecuniary interest in Item 9.13 on the agenda, in that one of the speakers on that item at the meeting of the Planning and Development Committee, Mr Giovanni Cirillo, is a friend of hers.

Councillor Forster also disclosed a less than significant, non-pecuniary interest in Item 15.8 on the agenda, in that she was also a candidate for the Local Government New South Wales elections.

Councillor Jenny Green disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that an additional option to investigate drainage enhancements in the street where she resides has been included in the draft Floodplain Risk Management Plan for the relevant catchment area.

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

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

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

ITEM 3.1 VALE ROBYN KEMMIS

FILE NO: S051491

MINUTE BY THE LORD MAYOR

To Council:

On Sunday 27 December 2015, Deputy Lord Mayor Robyn Kemmis unexpectedly and tragically passed away.

Robyn was a Glebe resident for over 35 years and an active member of the local community. She was passionate about preserving the area's heritage, character and community.

Robyn was a key member of the Sydney women's movement in the early 1970s. In 1974 the group broke into two cottages in Westmoreland Street in Glebe, they claimed squatters' rights and opened the houses up to women and children escaping domestic violence. Elsie's Refuge was the first modern women's refuge of its kind and, over the next decade, feminists followed their lead and started hundreds of other refuges around Australia.

It was not, however, the first time Robyn had been involved in the creation of a safe space for women. Years earlier, while living in London with her partner Lynne, she broke into a vacant house in Earlham Street, Covent Garden. After Lynne managed to do the electrical rewiring necessary to make the place habitable, the house became the base for the first Women's Liberation Workshop Forum in London.

Robyn was an experienced administrator who was previously the Deputy Vice-Chancellor (Administration) at the University of Technology, Sydney (UTS). Prior to joining UTS, Robyn held senior management positions within the NSW public service. She studied and worked at the University of New England and the University of Essex as a researcher and tutor, and worked in publishing and tourism in London, most notably with Time Out magazine.

In 2002, Robyn was awarded an honorary doctorate by UTS in recognition of her outstanding contribution to the University's mission. In 2003, she was awarded a Centenary Medal for service to Australian society in business leadership.

Robyn was a City of Sydney Councillor for eight years, from March 2004 to September 2008 and again since September 2012. She had been Deputy Lord Mayor since September 2012 and was also Deputy Chair of Council's Corporate, Finance, Properties and Tenders Committee.

I met Robyn in 2004, when I had three weeks to put together an Independent Team for the newly created City Council.

Our first term was tough.

In 2004, the former Labor State Government had sacked South Sydney and City Councils, and crashed them together with Glebe - part of Leichhardt Council - without any planning preparation or consultation. We had multiples of everything – two General Managers and other staff performing the same roles; we had three sets of planning controls, different categories of rates and 20 IT systems.

Robyn played a critical role as we turned the ship around and we got the right people and set the policy direction.

As a Councillor, Robyn contributed enormously to work of the Independent leadership Team. Her administrative expertise and commitment to community participation were central in setting the direction of the new Council and laying the foundation for the wonderful results we are now seeing in the city.

Aware that the Council was close to bankruptcy in the early 1990s, we made a strong commitment to prudent financial management. Robyn's work as long-standing chair of the Finance Committee was pivotal in setting the direction for us to achieve our strong financial position and ability to deliver the facilities and services our city needs.

And on the Audit Risk and Compliance Committee, Robyn maintained a strong focus on high standards of governance and financial responsibility.

Robyn was a brilliant Deputy Lord Mayor – she was tireless – at home helping evicted Millers Point tenants; sorting out community problems for residents, dialoguing with the big end of town or addressing academia. She had a unique skill of being able to listen to all sides of a problem and pursue it until a solution was found that had broad endorsement.

The many messages of sympathy I have received are a testament to her skill and dedication, and the enormous love and respect that she earned from our residential and business communities. I have included just a few of those here:

Barney Gardner, Millers Point, Dawes Point & The Rocks Public Housing Tenants Group:

"We will always remember and love Robyn as a champion of our cause to remain here in Millers Point as public housing tenants! In fact those of us, and there are many who were fortunate enough to become good friends with Robyn, knew of her steely resolve to fight any social or moral injustices that cast their dark shadow upon our city and its people."

Yimmy Seifert, Chair, Ultimo Village Voice:

"We are all very saddened by the news of Robyn's passing away. On behalf of Ultimo Village Voice, please accept our sincere condolences to you and the City for such a loss. Robyn had been attending our meetings this year and we are all very grateful to her for her time and taking up various issues on our behalf. She was such an inspiration and we admire her dedication and passion, and she showed that she really cared for people."

Karen Soo, Executive Officer, Haymarket Chamber of Commerce:

"As one of the most inspiring, passionate and innovative community representatives, Robyn was very much respected and valued by our Executive and members, with her endearing support, insightful advice and vision for Sydney's CBD growth. As the Deputy Lord Mayor, Robyn attended many of our events and built many strong relationships with our members and stakeholders. Robyn will be remembered for her honesty, integrity, humour and deep regard for the many voices our local community represent and mostly for her unique character, contribution and commitment to Sydney and Haymarket."

Janine Barrett, Ultimo Public School P&C:

"She was truly a great friend to our community, her contribution was immeasurable, her loss incalculable and I wonder how anyone will ever fill her shoes."

Robyn worked with all our communities on local government decisions that affected their lives, and she had a very particular interest in supporting local village economies and programs for young people.

She was an advocate for social justice and equal opportunity, especially for women's rights and for all our social housing communities.

She loved the work and she got great outcomes.

Her passing is an enormous loss. I am going to really miss her, as will Councillors, Council staff and all the people in the community she worked tirelessly for. She was such a 'good' person in the true sense of the word; she was such fun.

Councillors, I am sure you join me in also expressing our support and sadness for Lynne, Robyn's loving life time partner.

RECOMMENDATION

It is resolved that:

- (A) Council observe a minute's silence to mark the passing of Robyn Kemmis; and
- (B) an application be made to the Minister for Local Government to dispense with a by-election to fill the casual vacancy created by the sad and sudden passing of Councillor Robyn Kemmis.

COUNCILLOR CLOVER MOORE
Lord Mayor

Procedural Motion

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

Part 1 - clause (A); and

Part 2 - clause (B).

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

That Part 1 of the motion be adopted.

Carried unanimously.

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

That Part 2 of the motion be adopted.

Part 2 was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Doutney, Forster, Green, Kok, Mandla, Mant and Vithoulkas.

Noes (1) Councillor Scott.

Motion carried.

Note – Prior to discussion on this item, the Lord Mayor acknowledged and welcomed Lynne Hutton-Williams, the life time partner of Robyn Kemmis, who was in the gallery.

Note – All Councillors endorsed the remarks of the Lord Mayor and added their own personal tributes to former Councillor Kemmis.

Note – All Councillors, staff, press and members of the public present stood in silence for one minute as a mark of respect to Robyn Kemmis.

ITEM 3.2 AUSTRALIA DAY HONOURS FOR COUNCILLOR JOHN MANT

FILE NO: S051491

MINUTE BY THE LORD MAYOR

To Council:

On 26 January 2016, Councillor John Mant became a Member of the Order of Australia (AM) for his '*significant service to urban planning and public administration as an advisor and consultant to local and state governments.*'

The honour recognises his distinguished career in Australia and overseas, and his strong commitment to directing his professional expertise and experience to public service.

Over his long career, John's policy and strategic advice has been sought by State and Federal Governments and major international organisations, including the World Bank. He has led planning and local government reform in several Australian states, including rewriting the NSW Local Government Act, which has resulted in more effective management systems and greater transparency.

As Commissioner of the 1992 inquiry into the Department of Housing, John made significant progress for social housing tenants. As a result of the inquiry, management of social housing in NSW was shifted away from architects and engineers to on-the-ground staff, including social workers.

Between 1993 and 1995 John served as Acting and Assistant Commissioner of the NSW Independent Commission Against Corruption, and since that time continued to provide advice on issues relating to corruption prevention and transparency.

John has influenced new generations of planners through serving as Adjunct Professor of Planning at the University of Technology, Sydney from 1996 to 2005, introducing them to ideas such as 'place management'.

His professional work has been matched by his involvement in Common Equity NSW, the not-for-profit holding company for NSW cooperative housing organisations, his service as President of the Paddington Society, and his willingness to provide advice and assistance to numerous community organisations.

In 2012, John sought to extend this community service by successfully seeking election to the Council of the City of Sydney as a member of the Clover Moore Independent Team. I know we all appreciate Councillor Mant's advice on local government issues and value the knowledge and vast experience he brings to the City.

In 2008, a journalist asked John about his personal philosophy. He summarised it as: *“If there's something wrong, do something about it.”*

The people of Sydney continue to benefit from this personal philosophy and John's advocacy for transparent and effective governance and his thoughtful, holistic approaches to urban development.

Councillors, please join me in congratulating Councillor Mant on his important and well deserved honour.

RECOMMENDATION

It is resolved that Council congratulate Councillor John Mant AM on being made a Member of the Order of Australia.

COUNCILLOR CLOVER MOORE
Lord Mayor

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

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

Carried unanimously.

Note – All Councillors added their congratulations to Councillor Mant. These remarks were followed by acclamation from Councillors and staff.

ITEM 3.3 SUPPORTING OUR GLBTIQ COMMUNITIES

FILE NO: S051491

MINUTE BY THE LORD MAYOR

To Council:

This Saturday, 5 March, the City of Sydney will again participate in the annual Sydney Gay and Lesbian Mardi Gras, the largest night time celebration of GLBTIQ pride in the world.

The international symbol of GLBTIQ pride, the rainbow flag, has flown from the Town Hall since Friday 19 February and will continue to be seen until the conclusion of the 2016 Mardi Gras Festival. This is the seventh year the Rainbow Flag has been flown and now other councils have joined the City in also flying the rainbow flag.

Taking part in Mardi Gras, flying the rainbow flag and the 200 rainbow banners flown along Oxford and Flinders Streets which I introduced in 2005 - are highly visible examples of the City's support for the gay, lesbian, bisexual, transgender, intersex and queer communities.

We also show our support in other practical ways such as our grants programs, by providing GLBTIQ resources in our library network and working closely with other government agencies and community organisations.

ACON Accredited Safe Place Program

Sydney Town Hall and the City's customer service centres, one stop shops, aquatic centres and community centres have been accredited as Safe Places in ACON's Safe Places Program. The process of gaining similar accreditation for our libraries is underway.

Being accredited recognises that the City's services and facilities welcome and support GLBTIQ communities and are places that are free from discrimination and prejudice. GLBTIQ people are also able to seek help from accredited safe places if they are being harassed, abused or threatened with violence. Over 450 venues in NSW, including shops, cafes, entertainment venues and service providers, are ACON accredited safe places.

Supporting GLBTI staff

The City has long been an inclusive equal opportunity employer. To support this, the City has become a member of Pride in Diversity, Australia's national employer support program for GLBTIQ workplace inclusion. An ACON social inclusion initiative, Pride in Diversity offers advice and training services, provides accreditation to employers who meet standards for GLBTIQ inclusion and publishes an annual guide to GLBTIQ inclusive employers and the Australian Workplace Equality Index, which benchmarks GLBTIQ workplace inclusion.

In support of its Pride in Diversity membership, the City is launching its own GLBTIQ Staff Network with a forum on Mardi Gras Eve, Friday 4 March. This forum will celebrate the contributions made by our GLBTIQ workforce, while also discussing goals and challenges for 2016.

These initiatives will help ensure the City continues to be an inclusive supportive employer and an employer of choice for the GLBTIQ communities.

Apology to the '78ers

On 27 April 2015, Council unanimously resolved to seek a formal NSW Parliamentary apology for the treatment of the 78ers, the participants in the first Mardi Gras, and from the NSW Police and Fairfax Media. On 25 February, both Houses of the NSW Parliament noted the events of the first Mardi Gras on 24 June 1978, and:

- *Commended the tireless advocacy of the 78ers and their supporters as the upsurge of activism following the first Mardi Gras led to the 1979 repeal of the Summary Offence Act, decriminalisation of homosexuality in 1984 and contributed to an effective community response to the HIV epidemic.*
- *Acknowledged that the Sydney Gay and Lesbian Mardi Gras has as its foundation the violence and struggles of 24 June, subsequent and related protests in 1978 and that Mardi Gras now attracts worldwide attention as a beacon of positive social change.*
- *Commended the work done by the 78ers for their advocacy around ensuring discrimination of this kind is not repeated, as well as raising awareness of the events of 1978.*
- *Affirmed an ongoing commitment to an inclusive society and full respect for the rights of all LGBTIQ citizens protected in law.*

- *Placed on record an apology to each and every one of the 78ers from the Legislative Assembly for the harm and distress the events of 1978 have had on them.*

The day before, Darren Goodsir, editor-in-chief of The Sydney Morning Herald, issued an apology on behalf of Fairfax Media:

"In 1978, The Sydney Morning Herald reported the names, addresses and professions of people arrested during public protests to advance gay rights. The paper at the time was following the custom and practice of the day.

"We acknowledge and apologise for the hurt and suffering that reporting caused. It would never happen today."

Fairfax Media has also made contact with representatives of the 78ers so that an apology can also be made in person.

Several Members speaking in the parliamentary debate on the apology debate referred to the brutal way in which the police broke up the first Mardi Gras and the violence and abuse meted out to those arrested. The Police have yet to apologise for the shameful conduct of police officers and at events arising from the first Mardi Gras.

Safe Schools Inquiry

The practical work of achieving "an inclusive society and full respect for the rights of all LGBTIQ citizens protected in law" is being carried out in many ways. This includes the Safe Schools Program, funded by the Commonwealth government with the aim of creating safe and supportive school environments for GLBTIQ youth. Close to 500 schools participate in the program, and over 15,000 teachers use its resources. Participation in the program is voluntary and schools may select which resources they use.

In the same week that the NSW Parliament delivered a bipartisan apology to the 78ers, a small minority of Liberal MPs launched an attack on this vital program, initially in the Liberal Party Room and later in Parliament. Not surprisingly, they were primarily MPs who have consistently opposed marriage equality or indeed any advances in the rights and wellbeing of GLBTIQ people.

One senator claimed the program was being used to "indoctrinate children into a Marxist agenda of cultural relativism" while another likened it to paedophiles grooming children. Rather than defend it, the Prime Minister ordered a review of the program. While he failed to challenge the absurd claims, he requested MPs to use "measured language" and consider very carefully the impact that their words had on young people and their families.

We must ensure that this review is not a precursor to defunding this essential program. The review must acknowledge the undoubted benefits of the program and its importance in ensuring that schools are inclusive and respectful of GLBTIQ people and they are safe places for GLBTIQ youth.

Marriage Equality

Council endorsed the GLBTIQ communities' demands for relationship equality and relationship certainty in August 2005. In November 2011, Council called upon the Australian Parliament to amend the Marriage Act to enable same sex couples to marry and to ensure that same sex marriages solemnised overseas are recognised in Australia.

While the City and the NSW Parliament continue to take steps to improve the wellbeing of GLBTIQ people, our national Parliament continues to resist taking the next step that would guarantee certainty, security and equality – legislating to enable same-sex couples to marry.

Instead, the Government plans to proceed with a costly plebiscite, a course of action which the Prime Minister once opposed and which Father Frank Brennan has warned would be *“a waste of time and risks turning very nasty”*.

The dangers of holding a plebiscite are becoming increasingly apparent. Already, two Liberal Senators who pushed for a plebiscite have said they will not respect the outcome if it shows majority support for marriage equality. How many other Liberal and National Party MPs and Senators hold similar views?

The Australian Christian Lobby, which campaigns against marriage equality, has called for anti-discrimination laws to be suspended so people opposed to same-sex marriage *“can speak their mind”*. Taking this step would include suspending the homosexual anti-vilification provisions of the NSW Anti-Discrimination Act, which result from a Bill I successfully introduced into Parliament in 1994. These provisions make it unlawful for a person

“... by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group.”

The provisions also exempt public acts:

“... done reasonably and in good faith, for academic, artistic, religious instruction, scientific or research purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter.”

The demand for these provisions to be suspended supports the fears of GLBTIQ people that a plebiscite would result in their being attacked, denigrated and vilified.

These concerns are shared by people of faith. A group of 40 Buddhist, Baptist, Anglican and Uniting church leaders have written to the Prime Minister asking him to abandon plans for a plebiscite saying it would *“provide a platform for disparaging”* GLBTIQ people in a *“highly politicised moral debate”*.

If the Government insists on proceeding with a plebiscite, it should ensure that a national vote in support of marriage equality results in same-sex couples being able to marry without delay. The legislation enabling the plebiscite should also set out the amendments to the *Marriage Act 1961* which would allow same-sex marriage while respecting religious freedom. Voters would be asked whether they supported the amendments. If the majority formal vote is “yes”, the amendments would automatically become law.

RECOMMENDATION

It is resolved that:

- (A) Council note that the City’s facilities are accredited Safe Spaces within the ACON Safe Places Program, and commend the work of City staff in achieving this outcome;
- (B) Council note that the City of Sydney has joined Pride in Diversity in keeping with its commitment to being an inclusive and supportive employer;

- (C) Council commend the initiative of staff in establishing a City Staff GLBTIQ Network and wish it every success in providing support for and helping to address issues facing GLBTIQ identifying employees;
- (D) Council again request the NSW Police Commissioner, Andrew Scipione, to formally apologise on behalf of the NSW Police for the conduct of police officers on the night of the first Mardi Gras and at subsequent events arising from the first Mardi Gras, including:
 - (i) the treatment of persons arrested at the first Mardi Gras and subsequent marches in support of the right of public assembly; and
 - (ii) the blocking of the entrance of Central Court denying public access on the first day persons arrested during the first Mardi Gras were due to appear;
- (E) Council make a submission in support of the Safe Schools program to the Commonwealth Government's review of this program;
- (F) Council call upon the Australian Parliament not to proceed with a costly and potentially destructive plebiscite on same-sex marriage and instead to legislate forthwith to amend the Marriage Act to enable same sex couples to marry and to ensure that same sex marriages solemnised overseas are recognised in Australia; and
- (G) in the event that the Commonwealth Government proceeds with a plebiscite, Council
 - (i) request that the legislation enabling the plebiscite sets out the amendments to the Marriage Act 1961 which would allow same-sex marriage, with these amendments automatically becoming law if supported by a majority formal vote; and
 - (ii) agree to work with organisations supporting marriage equality in promoting the case for same-sex marriage including:
 - (a) promoting marriage equality through the City's media outlets and online presence; and
 - (b) making the City's banner poles available, where practicable, for the flying of banners in support of marriage equality.

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.

Carried unanimously.

ITEM 3.4 2015 SYDNEY NEW YEAR'S EVE AND CHINESE NEW YEAR FESTIVAL 2016**FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:**2015 Sydney New Year's Eve**

Sydney New Year's Eve is produced annually by the City of Sydney with the support of State Government agencies and landowners. The event continues to sustain an unrivalled record for safety and security, crowd management and operational delivery and contributes around \$133 million annually in direct financial benefits to the state economy.

In 2015, Sydney retained its status of 'New Year's Eve Capital of the World' drawing well over a million people to the harbour and millions across Australia, and a billion people across the world through broadcast distribution networks.

For the first time, the event began with a moving 'Welcome to Country' ceremony which included a harbour-wide smoking ceremony by the Tribal Warrior Association, a four minute projection featuring Aboriginal dancers, local clan totems, native flora and fauna and images of Sydney.

This was directed by Rhoda Roberts and ended with the message 'Always was, Always will be...' 'Gadigal Land', 'Wangal Land', and 'Gamaragal Land'.

A custom designed Sydney Harbour Bridge effect created a symbolic Aboriginal flag with red flares fired from the road deck to the harbour, yellow strobe lighting within the interior bridge arches and the dark night sky above.

The Sydney New Year's Eve fireworks displays are currently the largest and most technologically advanced for New Year's Eve in the southern hemisphere. Both the 9pm Family Fireworks (eight minutes) and the Midnight Fireworks (12 minutes) displays are choreographed to specially produced soundtracks.

In 2015, the traditional centrepiece bridge effect was replaced with full pylon projections, additional spotlight lighting effects with an additional 2,400 fireworks shots in 60 pods attached to the hangers, making the iconic Sydney Harbour Bridge the feature of 2015 Sydney New Year's Eve.

The Harbour of Light Parade® saw 45 vessels glide across the water illuminated with white LED rope lights. Pre-show entertainment featured Matt Hall's aerial acrobatics and the fire tug spray cannon.

The City worked closely with the NSW government, NSW police, landowners and other stakeholders to ensure careful crowd management planning was in place to ensure a safe night for everyone.

Over 170 volunteers helped ensure our audiences had access to information, safe spaces to rest and transportation home.

Creative agency Imagination again provided the delivery of creative elements including the theme, collateral, scenic design, performance director, lighting design and soundtrack. This year they profiled two Sydney-based, young, up and coming designers, Province Studio and Romance Was Born. Both were featured on the pylon projections.

For a second year, ABC television broadcast a four-hour program domestically and live distribution globally. Peak audience domestically was 2.26M on ABC. For the first time, Times Square live streamed the 9pm Family Fireworks to New Yorkers.

The event continues to attract people from around the world - StollzNow Research reported that 46% of visitors to Sydney New Year's Eve are from overseas. These visitors stay in Sydney for an average of a week. Overseas visitors came from Europe (42%), Asia (19%), United Kingdom (18%) and USA/Canada (10%).

StollzNow Research said that the event has a strong international reputation and, for many visitors, it's an experience that they will plan their holidays to coincide with. It is a major drawcard for visitors to come to Australia. In economic terms, the event funnels an enormous financial spend by visitors into Sydney and the City of Sydney area.

Chinese New Year 2016

The City's Chinese New Year Festival took place from 6 February to 21 February in 2016, and marked the 20th year we have produced this festival.

This year, the festival was reimagined with the introduction of a new Lunar Lanterns event from 6-14 February which replaced the Twilight Parade.

Lunar Lanterns saw 12 large lanterns in the form of the lunar zodiac spread across the city from Circular Quay to Chinatown. This included the construction of six new lanterns, designed by leading contemporary Chinese-Australian artists.

Lunar Lanterns attracted more than 750,000 visitors, an almost six-fold increase from the parade audience of 130,000 people, and the figure for the entire festival is expected to total more than 1 million attendees once final numbers are received.

The City's largest cash sponsorship in the last 10 years was forged with Principle Partner Westpac, which allowed the festival to grow and staff to deliver key programs that would otherwise have not been possible.

The Westpac Lunar Lantern Hub in Martin Place ran for nine days and nights, and was complemented with the Westpac Painting the Town Red program which saw the Sydney Opera House, Sydney Harbour Bridge and Circular Quay Station bathed in red light, receiving international media attention.

During the festival, we celebrated the significant 30th anniversary of our sister city relationship with Guangzhou. We were pleased to welcome Guangzhou performers who provided entertainment for the Festival Launch and Guangzhou also donated a lantern for the Lunar Lanterns exhibition which was exhibited in Dixon Street Mall.

In 2015, a new Chinese New Year Advisory Panel, chaired by Councillor Robert Kok, was introduced which replaced the former Chinese New Year Festival Advisory Group. Made up of representatives from the business, education, cultural and community spheres, this new group expanded the breadth of its focus beyond the festival to a wider remit looking at ways to maximize the City's relationship with the business sector and enhance all celebrations of the Lunar New Year in the City of Sydney local government area.

The festival's Charity Partner, Cure Brain Cancer Foundation, raised more than \$70,000, the most successful result for a charity partner in the festival's history.

Based on preliminary data, the festival received more than 1,600 stories in Australian media alone, reaching an audience of more than 30 million people and worth in excess of \$5 million. Further analysis of Australian and international media is currently being undertaken.

The festival also provided a platform to strengthen partnerships with key organisations. The Sydney Morning Herald and The Star once again presented the Lunar Markets in Pyrmont as a major associated event of the festival, along with the second year of the Lantern Carnival at Darling Harbour presented by Nanhai Media.

The City worked closely with Carriageworks to produce a Korean pop concert for the festival, worked closely with the Opera House, the Chinese and Thai consulates and Destination NSW and Tourism Australia.

A total of 38 community groups were involved in 22 hours of programmed performances surrounding the lanterns. This totaled 181 separate performances from the Chinese, Thai, Vietnamese, Korean, Japanese and other communities, with participants ranging in age from three years of age to 90.

To assist the program and the Lunar Lanterns exhibition, 58 volunteers were recruited to act as ambassadors.

Overall, 2016 was by far the most successful Chinese New Year Festival to date, with increases in attendance, sponsor income, community engagement and Charity Partner involvement, and the introduction of a major new event, Lunar Lanterns.

Further reporting will be presented to Councillors in the coming weeks detailing the media coverage, overall festival attendance and economic impact of the event.

RECOMMENDATION

It is resolved that Council:

- (A) note the successful results of the 2015 Sydney New Year's Eve and 2016 Chinese New Year Festival; and
- (B) thank everyone involved – our staff, the volunteers, the Chinese New Year Advisory Panel, Westpac and our other sponsors and all our Government and corporate partners - for their part in bringing these wonderful events to life.

COUNCILLOR CLOVER MOORE
Lord Mayor

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

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

Carried unanimously.

Note – The Lord Mayor thanked Aneurin (Nye) Coffey, the Producer of Sydney New Year's Eve for over a decade, for his tremendous contribution and wished him every success in the future.

ITEM 3.5 WESTCONNEX COSTS TO OUTWEIGH ANY BENEFITS**FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

WestConnex is Australia's most expensive toll road project. The estimated cost is now \$16.8 billion – a 68 per cent increase on the original estimate of \$10 billion only four years ago.

It is nearly triple the combined cost of recent motorways built in Sydney - if you had to build the M4, M5, Harbour Tunnel, M2 and Eastern Distributor today they would cost \$6.1 billion in total in today's dollars.

The Government is already planning future stages of WestConnex – such as the Western Harbour Tunnel – which could see the total cost reach at least \$30 billion.

This makes it one of the most expensive road projects ever undertaken in the world.

The future stages are being planned to mitigate the crippling congestion that will be created around the WestConnex tunnel portals. The Government's own documents make it clear that congestion will increase on the ANZAC and Sydney Harbour Bridges as a direct result of the M4-M5 Link and the Rozelle Interchange, overwhelming these vital links.

A project of this scale, funded by taxpayers, should be subject to rigorous assessment and a high level of quality assurance. However, both the NSW Auditor-General and Infrastructure Australia have criticised the governance, quality assurance and business case of this project.

The project is marred by an absence of adequate governance and quality assurance processes, mis-alignment with broader state planning and development policies and a lack of strategic justification.

Only one independent, externally managed gateway review has been conducted for the WestConnex project up to the pre-tender stage for the Parramatta to Homebush M4 widening. If the NSW Treasury Major Projects Assurance Framework had been fully implemented, four additional gateway reviews should have been conducted by that stage.

In 2014, the Auditor General warned that the project had not been subjected to the same level of oversight as other initiatives and said the preliminary business case was deficient and fell well short of the standard required.

That preliminary business case has now been superseded by an Updated Strategic Business Case which was released late last year. The Updated Business Case meets some requirements, but not all.

This again falls short of standard NSW Government practice for major projects. Final Business Cases are required by NSW Treasury for projects with a total cost of over \$5 million. It is not clear if a Final Business Case has been prepared for WestConnex.

Shockingly not only has the project failed to meet the Government's own processes – construction is already underway on the M4 widening and tunnelling for the M4 East extension is imminent.

The Updated Business Case included indicative plans for the M4-M5 Link and these plans are shocking. We already know about the impacts to the St Peters community and Sydney Park, and beyond our boundary, the impacts to people living in Haberfield and Leichhardt.

The M4-M5 Link will see another massive, spaghetti style interchange built on the site of the Rozelle Goods Yards, with connections linking the ANZAC Bridge, Victoria Road and WestConnex. This Link will not only impact people in Lilyfield, Rozelle and the Bays Precinct but also those living in Annandale, Leichhardt and Glebe.

At Camperdown, close to Prince Alfred Hospital, east facing ramps will connect WestConnex to the city centre, leading to massive increases in traffic on Parramatta Road and Broadway.

If it's built, WestConnex will have a disastrous impact on our area and on the people who live and work here. It will massively worsen congestion and severely impact air quality in many parts of our city.

To ensure the community would have an independent assessment we asked SGS Economics and Planning to do an analysis of the Government's Updated Strategic Business Case. SGS is renowned for its expertise in transport and planning and the preparation of business cases for major transport infrastructure projects, including tollway proponents.

SGS is damning about the Updated Strategic Business Case for WestConnex. They say it does not meet the proper standards of a final Business Case and is "*a confused document filled with contradictions.*" It does not properly analyse potentially cheaper alternatives such as demand management and public transport, it selectively over-estimates benefits and under-estimates costs, and it ignores the fact that the second airport will change freight and commuter traffic patterns.

Even using what SGS identify as flawed and optimistic assumptions, the figures estimate most users will save less than five minutes and that the road network serving the toll road and some sections of tunnel will reach capacity as soon as 2031, only eight years after completion – an appalling investment for NSW taxpayers.

SGS reports that any benefit of WestConnex "*is likely to be marginal at best and it is quite possible that the actual BCR (Benefit-Cost Ratio) for WestConnex is less than one*", that is, the benefits will not exceed the costs.

No strategic analysis and justification

A fundamental flaw of the Updated Business Case is that it doesn't analyse Sydney's growth and transport challenges and assesses WestConnex as just one of many potential options to meet them. Instead, the Business Case essentially assumes a motorway is needed and therefore does not even consider if it is a more effective or better value option than alternatives such as demand management, public transport or a combination.

The Updated Business Case fails to consider future developments that will affect land use and transport in Greater Sydney, such as the establishment of the Western Sydney airport. In fact it is silent on the second airport and how it will affect and potentially reduce freight and general traffic movements in the M5 corridor - one of the key justifications for the project.

In comparison, the *East West Link Needs Assessment* undertaken by Sir Rod Eddington for the Victorian Government examined four options which combined a range of road and public transport proposals to reduce congestion in Melbourne.

The NSW Government has never provided a similar analysis of alternatives to WestConnex.

Benefits overstated and costs underestimated

In calculating a Benefit Cost Ratio (BCR) the Updated Business Case overstates the alleged benefits of WestConnex while underestimating the costs. Notably:

- The majority of benefits claimed for WestConnex are travel time savings. A large proportion of these savings are less than five minutes. Travel time savings this small are unlikely to be realised because they are within the margin of error of the modelling or are too small to entice drivers onto the motorway. This was exactly the conclusion Roads and Maritime Services came to when evaluating the failed Lane Cove Tunnel and Cross City Tunnel projects. The removal of travel time savings of less than 5 minutes would reduce the BCR of the project by 55 per cent.
- The document shows roads around the tunnel portals and sections of WestConnex will reach capacity by 2031 following the completion of the M4-M5 Link in 2023, however the financial modelling assumes the benefits of WestConnex will continue to increase until 2052 – defying logic;
- The assessment of induced demand – the amount of increased traffic directly resulting from the project and above otherwise projected growth - appears to be deliberately played down with numbers averaged across the whole metropolitan area when in reality the effects will be concentrated within the WestConnex corridor. The Updated Business Case only reduces the projected benefits of the project by 3 per cent due to induced demand yet a reduction of 30 per cent is more likely based on the experience of other motorways;
- While the overall cost of the project has increased due to additional road links and supporting works, the costs of specific sections included in the 2013 Business Case remain exactly the same. It is incredulous that project costs have not been refined at all in a two year period, particularly given the extent of design development work by Sydney Motorway Corporation and the fact that construction costs across Sydney have significantly increased in the last few years;
- Not all costs of the project have been accounted for, or are only partly accounted. Nor have the reduced health benefits from potentially reduced public transport patronage and the cost of more severe car crashes due to much increased speeds across the network; and

- For a project of this size and at this stage of development it is normal practice to produce a P90 construction cost (a figure that confirms that there is only a 10 per cent chance it will be exceeded). The Strategic Business Case provides no information on what the P90 cost of the project could be despite the Government being asked by Infrastructure Australia to provide a P90 cost. Moving to a P90 cost estimate could increase the cost of the project by at least another billion dollars.

Basic errors and contradictions

Incredibly for such an important project, the Updated Strategic Business Case contains basic errors and contradictions:

- **The BCR for the project is miscalculated. Dividing the present value of benefits (\$22,204.9 million) by the present value of costs (\$13,547 million) results in a benefit cost ratio of 1.64, not the 1.71 presented in the business case. The difference is equivalent to a phenomenal half a billion dollar hole.**
- The Updated Business Case claims WestConnex will help renew Parramatta Road by reducing traffic on it, but its own figures estimate that many parts of Parramatta Road - including the western section between Parramatta and Homebush and the eastern section, approaching the city centre - will carry more traffic, not less; and
- Access to the Airport and Port Botany is touted as a key benefit of the project, yet the Sydney Gateway - which will link WestConnex to the Airport and Port Botany - does not appear to be included in the scope or cost.

New M5 St Peters Interchange EIS

The massive, multi-volume EIS for the New M5 St Peters Interchange was placed on public exhibition in late November with a deadline for submissions of 31 January 2016. It was always going to be a challenge for community groups and affected residents to respond adequately to such a dense, technical document, but putting it on exhibition over Christmas and New Year made it more difficult.

The general inadequacy of the New M5 EIS is so profound that it cannot form the basis for a Ministerial determination as to whether the project should be approved.

No project justification

The New M5 St Peters Interchange simply does not deliver the primary justification for the project. This is identified in the EIS as; *"The New M5 will offer quicker, more reliable trips between Western Sydney and the Sydney Airport / Port Botany precinct... by providing additional motorway capacity within the M5 corridor"*.

Yet the New M5 does not provide a direct link between south-western Sydney and the Sydney Airport / Port Botany precinct.

Traffic using the New M5 tunnel will head north from around Arncliffe, then surface at the St Peters Interchange and head back to the airport or port on the existing road network.

It seems extremely unlikely that many vehicles will do that when the existing M5 is so much more direct. The traffic modelling in the EIS shows that it is much more likely that traffic using the New M5 will head north, into an already congested road network through south Sydney.

And even assuming the Sydney Gateway is built – a big assumption given the lack of a design or funding - the existing M5 East will still provide much more direct access between Western Sydney and the Port and Airport but it will be tolled to contribute to the huge cost of WestConnex.

And this is the irony of the WestConnex project. Introducing tolls onto the existing M5 East will reduce demand which will mean “*quicker, more reliable trips*” to the Airport and Port for freight.

Impacts of the St Peters Interchange on the City of Sydney

The EIS shows that the New M5 and in particular the St Peters Interchange will have a significantly negative impact on residents and businesses located in the City of Sydney:

- The new toll on the existing M5 and the increase in road capacity on Euston Road from four lanes to up to six lanes, and Campbell Road from two lanes to six lanes, will see tens of thousands of additional cars pouring into already congested major urban renewal areas of Green Square, Alexandria, Erskineville, Ashmore and Redfern;
- Air quality, even at existing levels, is close to the allowable limits, and will only get worse with a major interchange, road upgrades and ventilation stacks at the St Peters Interchange and surrounds. If new air quality standards as proposed by the Council of Australian Governments (COAG) in 2012 are implemented, the New M5 will exceed allowable air pollution levels putting thousands of young children and the elderly at risk;
- The proposed project will have unacceptable impacts on Sydney Park. As well as surrounding it on three sides with large, high-volume roads, and the removal of hundreds of trees, the Government will take land on the southern side of the park for a construction compound.

A negative Benefit Cost Ratio

The Updated Strategic Business Case shows the first two stages of WestConnex – the New M5 and M4 widening and extension – do not have positive Benefit Cost Ratios on their own. So when considered as stand-alone projects, any benefits they have are outweighed by the costs.

They only start to deliver more benefits than costs if stage 3 is built – the tunnel connecting the M4 and New M5. But there is no guarantee that link will ever go ahead, there is no firm design, it has not been costed and there is no secured funding for it.

The Government is essentially asking permission to build the New M5 and St Peters Interchange hoping that an uncertain, unfunded, new multi-billion dollar project will be built at some stage which will justify the project. This is reckless in the extreme.

Risks to NSW taxpayers

Due to the financing structure of WestConnex, the NSW Government and therefore NSW taxpayers, will assume the risk of the project failing.

The direct costs of WestConnex will be huge – in the billions – and the opportunity cost will be disgraceful, measured in hospitals and schools not built, land no longer available for homes and public transport not delivered.

It is unbelievable that after all the financial failures of NSW's past motorways, like the Cross City Tunnel and the Lane Cove Tunnel, the NSW Government is assuming all the financial risk for a project with such little benefit for NSW taxpayers.

It is staggering that the NSW Roads Minister has been allowed to put the Government and taxpayers at such risk with no proper scrutiny.

Last year, the Government transferred control of WestConnex to the Sydney Motorway Corporation, which means information about the project cannot be captured by freedom of information requests.

If they are so confident about this project and its benefits then why the secrecy? We know it is being built with public money which means the public are the owners of the project and deserve to know all the facts about it.

Setting aside the question of whether building motorways is the right way to tackle congestion, this is about the due diligence and rigour with which a Government should make decisions about how to spend billions of dollars of taxpayers money.

There is no excuse for secrecy and incompetence on such an expensive project. It is time for all work on WestConnex to be suspended till the final and complete Business Case is released.

Next steps

The NSW Government should not continue to commit billions of dollars of public money to a multi-decade toll road that has not gone through the proper review process and which does not meet rigorous governance standards.

I propose writing to the relevant State and Federal Ministers and Opposition Members urging them to halt construction of WestConnex until a final Business Case, which meets the standard of other Business Cases for large projects, is released.

Councillors, we have also been approached by the two main WestConnex community groups for funding to help inform the public about this project.

The WestConnex Action Group has asked for \$15,000 to help raise awareness of the project and to inform the community about what they can do to help. The No WestConnex Public Transport group have asked the City to contribute a further \$10,000 towards the salary of their Community Organiser so that they can work more intensively with the ever-growing number of community groups fighting WestConnex.

RECOMMENDATION

It is resolved that Council:

- (A) note the attached SGS analysis of the WestConnex Updated Strategic Business Case which finds that the benefits of the project may well be exceeded by the costs;
- (B) note the attached City of Sydney's submission to the New M5 St Peters Interchange EIS which finds that there is no strategic rationale for the New M5, the significant impacts on the City of Sydney if it were to be built, and that the EIS is so deficient it cannot be used as the basis for a Ministerial decision to approve the project;

- (C) grant \$15,000 in funding to the WestConnex Action Group and \$10,000 to the No WestConnex Public Transport group to help them raise community awareness of this project; and
- (D) request the Lord Mayor write to the relevant State and Federal Ministers and Opposition Members and call on them to halt work on WestConnex until a final Business Case is released that can show that WestConnex has a better cost benefit ratio than potentially cheaper options such as public transport or demand management.

COUNCILLOR CLOVER MOORE
Lord Mayor

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

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

The motion was carried on the following show of hands –

Ayes (7) The Lord Mayor, Councillors Doutney, Green, Kok, Mant, Scott and Vithoukaskas.

Noes (2) Councillors Forster and Mandla.

Motion carried.

Adjournment

At this stage of the meeting, at 6.46pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately 10 minutes.

Carried unanimously.

At the resumption of the meeting of Council, at 7.03 pm, those present were –

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

Councillor Mandla returned to the meeting of Council at 7.06pm during discussion on Item 4.1.

ITEM 4.1 ELECTION OF DEPUTY LORD MAYOR (CONSEQUENTIAL TO A VACANCY IN CIVIC OFFICE)**FILE NO: S062388****MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER**To Council:

Section 231 of the Local Government Act 1993 provides:

- (1) Councillors may elect a person from among their number to be the deputy mayor.
- (2) The person may be elected for the mayoral term or a shorter term.

Section 249 (5) of the Act provides:

A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.

On 5 June 2000, Council resolved to:

- (1) "Pay Councillors the maximum of the range (as determined annually by the Local Government Remuneration Tribunal) as a matter of standing policy.
- (2) Pay the Lord Mayor the maximum of the range (in addition to his fee as a Councillor) - as a matter of standing policy (less the Deputy Lord Mayor's fee).
- (3) Pay the Deputy Lord Mayor, in addition to her fee as a Councillor, an amount equal to 10% of the mayoral fee actually paid to the Lord Mayor as a matter of standing policy."

At the Council meeting of 14 September 2015, the late Councillor Robyn Kemmis was elected Deputy Lord Mayor until the day appointed for the next ordinary election of Council. Consequential to the sudden passing of Councillor Kemmis, the office of Deputy Lord Mayor became vacant on 27 December 2015.

Nominations are now invited for appointment to the position of Deputy Lord Mayor. Nominations are to be made in writing and signed by two or more Councillors (one of whom may be the nominee). Nomination forms and accompanying explanatory procedures will be provided to Councillors.

The Local Government (General) Regulation 2005 provides the method of conducting an election for Deputy Lord Mayor. The last time the Deputy Lord Mayor's position was contested the method of voting selected by the Council was open, exhaustive voting (that is, by a show of hands or similar means for candidates duly nominated).

RECOMMENDATION

It is resolved that:

- (A) Council elect a Deputy Lord Mayor for a term effective immediately and ending on the day appointed for the next ordinary election of Council;

- (B) the method of voting be open, exhaustive voting; and
- (C) the Chief Executive Officer conduct the election forthwith.

MONICA BARONE
Chief Executive Officer

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

It is resolved that:

- (A) Council elect a Deputy Lord Mayor for a term effective immediately and ending on the day appointed for the next ordinary election of Council;
- (B) the method of voting be open, exhaustive voting; and
- (C) the Chief Executive Officer conduct the election forthwith.

Carried unanimously.

At this stage of the meeting, the Council Business Coordinator was called upon to assist with the conduct of the ballot.

The Council Business Coordinator announced that one duly completed, written nomination had been received, namely –

Councillor Irene Doutney (nominated by the Chair (the Lord Mayor),
seconded by Councillor Mant)

Councillor Doutney indicated acceptance of her nomination.

The Council Business Coordinator invited other nominations from Councillors for the office of Deputy Lord Mayor.

The Council Business Coordinator announced that one other nomination had been received, namely –

Councillor Jenny Green (nominated by Councillor Mandla, seconded
by Councillor Forster)

Councillor Green did not accept her nomination, thus making the nomination invalid.

An election for the position of Deputy Lord Mayor was conducted and resulted as follows -

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

Noes (3) Councillors Forster, Mandla and Vithoukias.

The Council Business Coordinator then declared Councillor Doutney duly elected to the office of Deputy Lord Mayor in accordance with the provisions of section 231 of the Local Government Act 1993 for a term commencing immediately and ending on the day appointed for the next ordinary election of Council.

Note - the Chair (the Lord Mayor) congratulated Councillor Doutney on her election as Deputy Lord Mayor.

ITEM 4.2 ELECTION OF DEPUTY CHAIRPERSON - CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE (CONSEQUENTIAL TO A VACANCY IN CIVIC OFFICE)

FILE NO: S062388

MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER

To Council:

In accordance with Clause 267 of the Local Government (General) Regulation 2005, Council is required to elect a Deputy Chairperson of each Committee and Sub-Committee and, if the Lord Mayor does not wish to be the Chairperson of any Committee, elect the Chairperson of each such Committee and Sub-Committee.

On 14 September 2015, Council elected Deputy Chairpersons for each of Council's Committees and Sub-Committees, with the Lord Mayor chairing all Committees. At this meeting, the late Councillor Robyn Kemmis was elected Deputy Chairperson of the Corporate, Finance, Properties and Tenders Committee until the day appointed for the next ordinary election of Council. Consequential to the sudden passing of Councillor Kemmis, the position of Deputy Chairperson of the Corporate, Finance, Properties and Tenders Committee became vacant on 27 December 2015.

Nominations are now called for the position of Deputy Chairperson of the Corporate, Finance, Properties and Tenders Committee. Previously, elections for a Deputy Chairperson position were conducted by open, exhaustive voting (that is, by a show of hands or similar means for candidates duly nominated).

Subsequent to the election, minor amendments will be incorporated into the "Functions, Delegations, Policies and Procedures of Council Committees" as adopted by Council on 14 September 2015, to reflect the change in Deputy Chairperson/Committee membership.

RECOMMENDATION

It is resolved that:

- (A) Council elect the Deputy Chairperson of the Corporate, Finance, Properties and Tenders Committee for a term effective immediately and ending on the day appointed for the next ordinary election of Council;
- (B) the method of voting be open, exhaustive voting;
- (C) the Chief Executive Officer conduct the election forthwith; and
- (D) Council note the incorporation of minor amendments to the "Functions, Delegations, Policies and Procedures of Council Committees".

MONICA BARONE
Chief Executive Officer

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

It is resolved that:

- (A) Council elect the Deputy Chairperson of the Corporate, Finance, Properties and Tenders Committee for a term effective immediately and ending on the day appointed for the next ordinary election of Council;
- (B) the method of voting be open, exhaustive voting;
- (C) the Chief Executive Officer conduct the election forthwith; and
- (D) Council note the incorporation of minor amendments to the "Functions, Delegations, Policies and Procedures of Council Committees".

The motion was carried on the following show of hands –

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

Noes (3) Councillors Forster, Mandla and Vithoukias.

Motion carried.

The Council Business Coordinator invited nominations from Councillors for the position of Deputy Chair of the Corporate, Finance, Properties and Tenders Committee.

The Council Business Coordinator announced that one nomination had been received, namely –

Councillor Robert Kok (nominated by Councillor Green, seconded by Councillor Mant)

Councillor Kok indicated acceptance of his nomination.

An election for the position of Deputy Chair of the Corporate, Finance, Properties and Tenders Committee was conducted and resulted as follows -

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

Noes (3) Councillors Forster, Mandla and Vithoukias.

The Council Business Coordinator then declared Councillor Kok duly elected to the position of Deputy Chairperson of the Corporate, Finance, Properties and Tenders Committee for a term commencing immediately and ending on the day appointed for the next ordinary election of Council.

ITEM 4.3 INCLUSION (DISABILITY) ADVISORY PANEL - RECRUITMENT OF NEW MEMBERS AND RE-APPOINTMENT OF CONTINUING MEMBERS**FILE NO: S116523****MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER**To Council:**Background**

The Inclusion (Disability) Advisory Panel was established by Council in November 2012 to provide expert advice to the City on inclusion and access for people with a disability.

The Panel's role is to provide advice to improve inclusion and access in the City's projects, services and facilities and on how best to engage with the needs of the disability sector across all the City's policies, strategies and plans. The panel's Terms of Reference were developed in consultation with key disability sector representatives.

Panel members have a broad range of expertise in disability inclusion, policy, strategic planning and consultation and have a high level of expertise in key areas such as access, urban planning, economic participation, arts, housing, transport, media and communication and legislation.

The Panel's 10 members were initially appointed for a one-year term. On 9 December 2013, the Panel members were reappointed for an additional two-year term which ended in December 2015.

Inclusion (Disability) Advisory Panel in 2013 - 2015

Since their appointment, the Panel has met every two months, providing the City with high quality, expert advice and guidance to improve inclusion and access for people with disability across all the City's functions, including new initiatives, major projects, strategies and policies. This has substantially improved inclusion and access outcomes in the City.

During their term the Panel has:

- Been instrumental in the development of the Inclusion (Disability) Action Plan 2014-17. The Panel provided guidance on development of actions that will contribute to meaningful outcomes for people with a disability in the physical environment, economically and socially.
- Commented on major strategies and policies on public exhibition, including the Creative City Discussion Paper, Economic Development Strategy and the Public Toilet Strategy, Advertising and Signage Development Control Plan, Hoardings & Scaffolding Policy, the development of an outdoor dining policy and the George Street 2020 Public Domain Activation Strategy.
- Provided advice on major projects such as the design of the public domain surrounding the George Street light rail and the interface with the light rail corridor and impacts of changes to bus networks and mobility parking spaces in the CBD.

- Provided ongoing advice on the design of new community facilities, including the Green Square Aquatic Centre and Gunyama Park, Green Square Library and Plaza and upgrades to Hyde Park. The Panel has provided valuable information and guidance to ensure the designs will deliver best practice access and inclusion outcomes.
- Provided advice in the earliest stages of new projects, including input on the design of a new City Centre Access Map which is scheduled for development in 2016. The map will help make the City Centre more accessible for people with a disability by providing information to assist people in planning visits to the CBD. The Panel has also helped identify the range and scope of issues that will need to be considered as the City develops a policy on accessibility in the public domain.
- Been actively engaged in consultation on projects outside Panel meetings, including New Year's Eve Step Free Maps, participation in a pilot of the Legible Sydney Wayfinding Strategy, specifically advising on tactile signage and providing feedback on designs for urban furniture as part of the Urban Design Consultation.
- Provided advice which has informed priorities for maintenance of footways, and has assisted in the development of questions about residents' experiences of disability as part of the 2015 Wellbeing Survey. This is valuable data, not currently available from Census, that will help the City plan and deliver services.

Reappointment, recruitment of new members and amendment to the Terms of Reference

Current Panel members have been consulted about the future membership arrangements. It was agreed that, while new Panel members should be recruited, a number of existing Panel members should be reappointed to ensure the knowledge and expertise of the Panel is maintained. The Panel noted that the number of members may need to increase for the next term while this transition of membership occurs. The Panel also recommended that the Terms of Reference be amended to ensure that Panel members will be selected to ensure a broad representation of experiences and perspectives within the disability community.

To recruit new members, a call for Expressions of Interest was advertised in major and local newspapers, on the City of Sydney website, Sydney Your Say website and electronic newsletter, Sydney Your Say social media channels and through disability networks. Expressions of Interest were opened from 14 October to 6 November 2015. Materials were produced in a variety of formats including braille, large print, easy English and Auslan.

Forty-six expressions of interest were received. The number and exceptionally high quality of the expressions of interest exceeded expectations.

An internal selection process considered each Expression of Interest in line with the selection criteria contained in the Terms of Reference. Independent advice was provided to the selection process by Mr Paul Nunnari, the current Chair of the Inclusion (Disability) Advisory Panel.

New members have been selected not only on the basis of the skills and experience brought by each person, but also with regard to the composition of the Panel as a whole, and to complement existing Panel members who are recommended for reappointment. This is to ensure that, in combination, the members have a broad range of expertise reflecting the diversity of the disability sector in the City of Sydney, including people who represent various disability experiences, family members and carers, different age groups, and cultural backgrounds. New members are experienced in disability inclusion, policy, strategic planning and consultation and have a high level of expertise in key areas such as access, urban planning, economic participation, arts, housing, transport, media and communication and legislation.

It is recommended that Council ratify:

- (a) the re-appointment of seven current Panel members for a final two years:

Michael Bartels,
Jane Bringolf,
Young-Joo Byun,
Naomi Malone,
Paul Nunnari,
Mark Relf, and
Susan Thompson.

- (b) the appointment of five new Panel members for an initial two-year term, with an option to extend for an additional two years:

Phillippa Carnemolla,
Morwenna Collett,
Judy Harwood,
Julie Millard, and
Mark Tonga.

In accordance with the requirements of the Terms of Reference, all members are appointed in an individual capacity and more than 50 percent of the members are people with a direct experience of disability, either personally or through a caring and support role.

These appointments will bring the Panel membership to 12 for this two-year term. In 2017, after the two year appointment, the seven original Panel members will end their term, and five new Panel members will be recruited, returning Panel membership to 10.

It is recommended that Council endorse amendments to the Inclusion (Disability) Advisory Panel Terms of Reference, as follows (amended Terms of Reference are provided in full in Attachment A).

(F) MEMBERSHIP

1. The IDAP consists of a maximum of 12 members appointed by the Chief Executive Officer of the City of Sydney and ratified by Council.

3. The City will endeavour to achieve as broad a representation as possible amongst panel members, with the aim of ensuring, as far as is possible, that a diverse range of disability issues is represented.

(J) TERM

- Members may be appointed for a term of two years and be eligible for re-appointment for a further two years. To maintain a balance of experienced members and new members, the term may be extended by a further year to a maximum of five years.

RECOMMENDATION

It is resolved that Council:

- (A) ratify the reappointment of seven of the current Panel members: Michael Bartels, Jane Bringolf, Young-Joo Byun, Naomi Malone, Paul Nunnari, Mark Relf, and Susan Thompson for an additional two-year term;
- (B) ratify the appointment of five new members to the Panel: Phillippa Carnemolla, Morwenna Collett, Judy Harwood, Julie Millard and Mark Tonga for a two-year term, with the option of extending for a further two years; and
- (C) approve amendments to the Terms of Reference for the Inclusion (Disability) Advisory Panel as detailed in this Memorandum, and shown in ***bold italics*** in Attachment A.

MONICA BARONE
Chief Executive Officer

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

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

Carried unanimously.

ITEM 5 MATTERS FOR TABLING

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

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

Carried unanimously.

ITEM 6 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 22 FEBRUARY 2016

PRESENT

Councillor Clover Moore
(Chair)

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

At the commencement of business at 1.00pm those present were -

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

Councillor Doutney arrived at the meeting of the Corporate, Finance, Properties and Tenders Committee at 1.01pm prior to discussion on Item 6.1.

Adjournment

At 2.31pm, it was moved by the Chair (the Lord Mayor) seconded by Councillor Doutney -

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 2.45pm, those present were –

The Lord Mayor, Councillors Doutney, Green, Mant and Vithoukias.

Councillor Scott returned to the meeting of the Corporate, Finance, Properties and Tenders Committee at 2.46pm prior to discussion on Item 6.3 (which was subsequently dealt with as part of an in globo motion).

Councillor Kok returned to the meeting of the Corporate, Finance, Properties and Tenders Committee at 2.50pm during discussion on Item 6.7 (which was not part of the in globo motion).

Councillor Forster returned to the meeting of the Corporate, Finance, Properties and Tenders Committee at 2.54pm during discussion on Item 6.9 (which was not part of the in globo motion).

Councillor Mandla returned to the meeting of the Corporate, Finance, Properties and Tenders Committee at 2.56pm during discussion on Item 6.9 (which was not part of the in globo motion).

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 3.20pm.

Report of the Corporate, Finance, Properties and Tenders Committee

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

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 22 February 2016 be received, and the recommendations set out below for Items 6.3, 6.4, 6.6 to 6.14 inclusive, 6.16, 6.17 and 6.19 be adopted, with Item 6.1 being noted, and Items 6.2, 6.5, 6.15 and 6.18 being dealt with as shown immediately following those items.

Carried unanimously.

ITEM 6.1

DISCLOSURES OF INTEREST

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

The Committee recommended the following:

ITEM 6.2

2015/16 QUARTER 2 REVIEW - DELIVERY PROGRAM 2014-2017 (S096187)

It is resolved that Council:

- (A) note the financial performance of Council for the second quarter, ending 31 December 2015, including the Quarter 2 Net Surplus of \$18.6M as outlined in the subject report and summarised in Attachment A to the subject report;
- (B) note the Quarter 2 Capital Works expenditure of \$125.4M, a revised full year forecast of \$245.2M and approve the proposed adjustments to the adopted budget, as detailed in Attachment B to the subject report;
- (C) note the Quarter 2 Plant and Assets expenditure of \$9.2M, net of disposals, and full year forecast of \$22.8M;
- (D) note the Information Services Capital Works expenditure of \$2.3M, net of disposals, and a full year forecast of \$8.0M;
- (E) note the operational performance indicators and Quarter 2 achievements against the Operational Plan 2015/16 objectives, as detailed in Attachment C to the subject report;
- (F) note the supplementary reports, including contracts issued over \$50,000, major legal issues and the Quick Response, Banner Pole and Reduced Rate Grant Programs in Quarter 2, as detailed in Attachment C to the subject report; and
- (G) note the Environmental Sustainability Progress Report at Attachment E to the subject report.

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

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

Carried unanimously.

ITEM 6.3

INVESTMENTS HELD AS AT 31 DECEMBER 2015 (\$106935)

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

Carried unanimously

ITEM 6.4

INVESTMENTS HELD AS AT 31 JANUARY 2016 (\$034147)

It is resolved that the Investment Report as at 31 January 2016 be received and noted.

Carried unanimously.

ITEM 6.5

AMENDMENT TO THE CITY'S CODE OF CONDUCT (\$121910)

It is resolved that Council:

- (A) note the amendments to the Local Government Act 1993 made to the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015; as shown at Attachment B to the subject report; and
- (B) adopt the amended City of Sydney Code of Conduct, as shown at Attachment A to the subject report.

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

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

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

That the motion be amended in clause (B), such that it read as follows –

- (B) adopt the amended City of Sydney Code of Conduct, as shown at Attachment A to the subject report, with the amendment of part 3.9 so that it reads: "3.9 You are prohibited from participating in binding caucus votes in relation to matters to be considered at a council or committee meeting, including and particularly in relation to development applications".

The amendment was lost on the follow show of hands –

Ayes (3) Councillors Forster, Mandla and Scott.

Noes (6) The Lord Mayor, Councillors Doutney, Green, Kok, Mant and Vithoulkas.

Amendment lost.

The motion was carried unanimously.

ITEM 6.6

NAMING PROPOSAL - THE GREEN SQUARE COMMUNITY AND CULTURAL PRECINCT (S123931)

It is resolved that:

- (A) Council provide in-principle approval for the following naming options for the site of the former South Sydney Hospital and buildings:
 - (i) the entire redevelopment site of the South Sydney Hospital being named the Green Square Community and Cultural Precinct;
 - (ii) the redeveloped nurses' quarters being named Joynton Avenue Creative Centre;
 - (iii) the redeveloped casualty building be named Waranara Early Education Centre; and
 - (iv) the redeveloped pathology building being named Banga Community Shed;
- (B) Council approve the public exhibition, for a minimum period of 28 days, of the proposed naming options for the site of the former South Sydney Hospital and buildings; and
- (C) a further report be submitted to Council at the end of the exhibition period.

Carried unanimously.

ITEM 6.7

NAMING PROPOSAL - SYDNEY PARK WETLANDS - POST EXHIBITION (S125682)

It is resolved that:

- (A) Council approve the following names for the four wetlands located within Sydney Park:
 - (i) Wirrambi Wetland;
 - (ii) Guwali Wetland;
 - (iii) Bunmarra Wetland; and

- (iv) Gilbanung Wetland; and
- (B) an application be made to the Geographical Names Board for the naming of the wetlands as shown in clause (A), in accordance with the Geographical Names Act 1996.

Carried unanimously.

ITEM 6.8

LAND CLASSIFICATION - 44 BOURKE ROAD ALEXANDRIA (S104977)

It is resolved that Council classify 44 Bourke Road, Alexandria (being land comprised in certificate of title, folio identifier 37/817055) as operational land in accordance with section 31 of the Local Government Act 1993.

Carried unanimously

ITEM 6.9

LAND OWNER'S CONSENT – LODGEMENT OF A DEVELOPMENT APPLICATION FOR GREEN SQUARE PLAZA EVENTS (S100167 AND S100174)

It is resolved that:

- (A) Council grant owner's consent for the submission of a Development Application to seek approval to use the Green Square Plaza as a major event space from 2018; and
- (B) note that the granting of owner's consent does not fetter the City's discretion in relation to the assessment of the Development Application under the Environmental Planning and Assessment Act 1979 (NSW), or for any related application required under the Roads Act 1993 (NSW), the Local Government Act 1993 (NSW) or any other legislation.

Carried unanimously.

ITEM 6.10

GREEN SQUARE TRUNK STORMWATER DRAIN - ADDITIONAL SCOPE (S121015)

It is resolved that:

- (A) Council approve an increase to the Risk and Contingency Allowance for Green Square Trunk Stormwater Drain Project as outlined in the confidential Financial Implications, Attachment B to the subject report;
- (B) Council approve the proposed additional funds to be brought forward from the future years as detailed in confidential Attachment B;

- (C) Council approve the scope for the Alexandra Canal shared pedestrian and cycle path adjacent to the Sydney Water owned open channel between Maddox Street and south of Huntley Street as indicated in Attachment A to the subject report;
- (D) Council approve an exemption from inviting tenders for the construction of the Alexandra Canal shared path in accordance with section 55(3)(i) of the Local Government Act 1993 as a result of the following extenuating circumstances:
 - (i) better efficiencies will be achieved in respect of time and monies by constructing the shared path as a variation to the Trunk Drain works through:
 - (a) ability to incorporate design requirements of the shared path to provide the best possible public amenity into the channel widening design and avoiding major rework;
 - (b) avoiding major rework to canal piling, capping beam and area created for shared path beside the upgraded open channel;
 - (c) reduction of preliminary costs for construction of shared path through part utilisation of contract administration, site supervision, site establishment, environmental management and off-site overheads for channel widening works; and
 - (d) best utilisation of current resources by avoiding tender and contract process separately by the City at a later date;
 - (ii) potential risks associated with working adjacent to an operating channel are best managed by construction of the shared path by the Non-Owner Participants who are widening the open channel;
 - (iii) the community will derive an environmental benefit in that the noise and traffic impacts associated with construction of the shared path will be minimised if the works are completed concurrently with the channel widening works; and
 - (iv) benefits of the current approach of the competitive alliance through assured value for money outcome is utilised by firming up all costs as lump sum through an independent Quantity Surveyor assessment and Council approval; and
- (E) authority be delegated to the Chief Executive Officer to negotiate, execute and administer an agreement with the Sydney Water Corporation to enable construction and maintenance of the proposed Alexandra Canal shared pedestrian and cycle path for public use for which Council will have ongoing operational and maintenance control.

Carried unanimously.

ITEM 6.11

EXEMPTION FROM TENDER - HEAD CONTRACTOR HYDE PARK SOUTH CAFÉ AND LANDSCAPE WORKS (S122012)

It is resolved that:

- (A) Council endorse direct negotiation with Arenco Pty Ltd (Head Contractor) to undertake Hyde Park South café, landscape (Hyde Park Improvement Work Package 4) and footpath works;
- (B) Council note that the proposed scope of Hyde Park South café, landscape Improvement Work Package 4, City Infrastructure and traffic operation's footpath works are to be delivered as one package. The project scope is detailed in Attachment A to the subject report;
- (C) Council approve an exemption from tender for the Head Contractor's works in accordance with section 55(3)(i) of the Local Government Act 1993, because of extenuating circumstances as detailed in Attachment B and confidential Attachment C to the subject report; and
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts between the City and the Head Contractor for the delivery of the Hyde Park South café, landscape and footpath works.

Carried unanimously.

ITEM 6.12

TENDER - MECHANICAL PLANT ROOM BOILER AND CHILLER REPLACEMENT - 343 GEORGE STREET SYDNEY (S126848)

It is resolved that:

- (A) Council reject all tenders for the mechanical plant room boiler and chiller replacement at 343 George Street, Sydney for the reasons set out in confidential Attachment A to the subject report;
- (B) Council not invite fresh tenders, as it is considered that inviting fresh tenders would be unlikely to deliver a better result;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with contractors that are suitably qualified and demonstrate a capability to fully undertake the scope of works;
- (D) authority be delegated to the Chief Executive Officer to enter into a contract, subject to the conclusion of negotiations, with suitable companies for the delivery of the mechanical plant room boiler and chiller replacement at 343 George Street, Sydney; and
- (E) Council be informed of the successful contractor by the CEO Update.

Carried unanimously

ITEM 6.13**TENDER - CUSTOMS HOUSE - BUILDING MANAGEMENT CONTROL SYSTEM UPGRADE (S126767)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Customs House, building management control system upgrade; 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 - KENT STREET UNDERPASS UPGRADE (S110387)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Kent Street Underpass 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 6.15**TENDER – HAROLD PARK – COUNCIL COMMUNITY CENTRE PROJECT (S122152)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'C' for the Harold Park – Council Community Centre Project; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

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

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

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

That the motion be amended in clause (B), such that it read as follows –

- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender, noting that Council supports the principle that the Community Centre be able to be used for before- and after-school and holiday care.

The amendment was lost on the following show of hands –

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

Noes (5) The Lord Mayor, Councillors Doutney, Green, Kok and Mant.

Amendment lost.

The motion was carried unanimously.

ITEM 6.16

TENDER - WAYFINDING SIGNAGE IMPLEMENTATION - MANUFACTURE AND INSTALLATION SERVICES (S118896.007)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Wayfinding signage implementation – manufacture and installation services for a period of five years, with the option of an extension of 12 months;
- (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 6.17

TENDER - TURRUWUL PARK FITNESS HUB (S116371)

It is resolved that:

- (A) Council approve the scope of works for the Turruwul Park Fitness Hub as described in the subject report;
- (B) Council accept the tender offer of Tenderer 'C' for the Turruwul Park Fitness Hub;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (D) Council approve the additional funds sought from the Public Domain program as outlined in confidential Attachment B to the subject report.

Carried unanimously.

ITEM 6.18**TENDER - CITY FARM COMMUNITY HUB CONSTRUCTION (S076831)**

It is resolved that:

- (A) Council reject the tender submissions received for the City Farm Community Hub for the reasons set out in confidential Attachment B to the subject report;
- (B) Council enter into negotiations with contractors who are suitably qualified and demonstrate a capacity to undertake the City Farm Community Hub works, noting that:
 - (i) inviting fresh tenders may not attract additional suitable contractors over and above those that have responded to this tender; and
 - (ii) Council's reasons for determining to enter into negotiations with contractors are to ensure that the unique requirements for the scope and quality of the City Farm Community Hub are delivered in accordance with the approved master plan and community expectations;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with contractors who are suitably qualified and demonstrate a capability to undertake the scope of works;
- (D) authority be delegated to the Chief Executive Officer to enter into a contract, subject to the conclusion of negotiations, with suitable companies for the City Farm Community Hub; and
- (E) Council be informed of the successful contractor by the CEO Update.

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

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

Carried unanimously.

ITEM 6.19**TENDER – CONSULTANCY SERVICES – CITY OF SYDNEY CURATOR (X002068)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the provision of consultancy services as City of Sydney Curator for a period of 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 7 REPORT OF THE ENVIRONMENT COMMITTEE - 22 FEBRUARY 2016

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

Councillor Irene Doutney
(Deputy Chair)

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

At the commencement of business at 3.21pm those present were -

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

The meeting of the Environment Committee concluded at 4.03pm.

Report of the Committee

Moved by Councillor Doutney, seconded by Councillor Kok -

That the report of the Environment Committee of its meeting of 22 February 2016 be received, and the recommendations set out below for Items 7.2 to 7.5 inclusive be adopted, with Item 7.1 being noted, and Item 7.6 being dealt with as shown immediately following that item.

Carried unanimously.

ITEM 7.1

DISCLOSURES OF INTEREST

Councillor Jenny Green disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that an additional option to investigate drainage enhancements in the street where she resides has been included in the draft Floodplain Risk Management Plan for the relevant catchment area.

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**COMMUNITY GARDENS POLICY (INCLUDING COMMUNITY GARDEN GUIDELINES AND PREFERRED MATERIALS GUIDELINES) – ADOPTION (S111812)**

It is resolved that Council adopt the Community Gardens Policy, Community Gardens Guidelines and Preferred Materials for Use in Community Gardens, as shown at Attachments A, B and C, respectively, to the subject report.

Carried unanimously.

The Community Gardens Policy, as adopted by Council, is as follows:

COMMUNITY GARDENS POLICY

Community Gardens Policy

This Policy provides a framework for residents who want to establish a community garden. The City supports and encourages existing community gardens to become self-managed to a high standard.

Background

Community gardens are unique forms of open spaces which are accessible to everyone, and a place where everyone can participate. They are self-managed by the community primarily for production of food and to contribute to the development of a sustainable urban environment. They provide demonstration sites for learning and sharing knowledge about sustainable living practices amongst gardeners and the local community. They also contribute to the health and wellbeing of residents by connecting people and encouraging inclusion in the local community.

The City of Sydney (the City) recognises community gardening as a valuable recreational activity that also contributes to the health and wellbeing of the wider community and provides a range of environmental, social and educational benefits. There are currently a number of community gardens, which include footpath verge gardens, school kitchen gardens and community composting facilities, across the local government area (LGA).

The documents that contribute to the community garden framework are:

- Community Garden Guidelines
- Preferred materials for use in community gardens, and
- This policy

Purpose

The benefits of community gardens are recognised within our community. This policy outlines a framework for community gardeners to grow fresh organic produce to supplement their groceries and to develop friendships, socialise with neighbours and to connect with residents in their local community.

Through environmental leadership the City supports the development of gardens that will be maintained and managed by community gardening groups. We are leading the way with our community garden policy and guidelines by providing residents with guidance and support to develop community gardens within the City, as well as setting a benchmark for other councils and organisations throughout Australia. We encourage production of organic fresh food while providing social and community development opportunities.

Community gardens connect with vibrant local communities and economies to create a space for people to meet and share knowledge, learn new skills and harvest in a harmonious way. These activities encourage interaction between diverse people in passive recreation and gardening pursuits.

COMMUNITY GARDENS POLICY

This policy supports the vision of the Sustainable Sydney 2030 Strategy for a Green, Global and Connected City. The policy is in place to provide the community with guidance and criteria about the key principles and responsibilities in setting up and maintaining community gardens on lands within the City of Sydney.

The community gardens policy:

- Provides clear direction for the establishment of new gardens;
- Outlines the required communication between the City, gardeners and stakeholders;
- Provides a rationale for decision-making that ensures consistency in the management of all community gardens located within the City of Sydney LGA;
- Provides the framework for gardening groups to develop management plans, complete reporting requirements, and to ensure gardens are integrated within the landscape;
- Promotes adherence to sustainable, healthy and safe gardening practices; and
- Encourages gardens that are self-managed, open and welcoming spaces for community participation in gardening.

Scope

The community gardens policy applies to groups of residents developing a new garden or managing existing community gardens on Council, Crown and private land within the City of Sydney LGA. These gardens are located on open spaces, rooftops and footpath verges.

Footpath gardens installed by individuals on verges in front of their property or business must comply with the Footpath Gardening Policy.

Objectives

The objectives of the community gardens policy are to:

- Promote the development of community gardens as demonstration sites where people can meet, work together, build stronger community relationships and learn about sustainability;
- Document and standardise processes, procedures and criteria to ensure consistency in the management of all community gardens located within the City of Sydney LGA;
- Help increase the number of community gardens according to the City's capacity, community need and availability of appropriate sites, by developing a clear process and allocating appropriate resources to support new and existing community gardens;
- Clarify the rights and responsibilities of all stakeholders involved in community garden projects including the garden volunteers, the City and partnering organisations, with reference to issues such as public liability, maintenance, safety and monitoring;
- Support community gardens to become self-managed and encourage community ownership by requiring community garden groups to develop a management plan for their community garden;

COMMUNITY GARDENS POLICY

- Recommend the development of new community gardens on land established for community use as part of proposed park upgrades and developments. This will be dependent on the interest of the local community to support the garden operations.
- Ensure that there is potential for a community garden within a kilometre (a 15 minute walk) of the dwellings of most city residents;
- Promote access for the community to fresh, organic and locally produced herbs, vegetables and fruit, from gardens that are well maintained;
- Ensure gardens are well maintained by the garden members to demonstrate a high standard to the community.

Definitions

The community garden definitions as set out as part of this policy are:

Term	Meaning
Community garden	A unique form of open space which is accessible to everyone, in which everyone can participate. This is self-managed by the community primarily for production of food and to contribute to the development of a sustainable urban environment.
Public open space	Publicly accessible spaces owned or managed by Council and available for multi-purpose recreational use by the community.
Self-managed	A community garden group that can work together and encourage participation without supervision, or with limited assistance from the City.
Demonstration sites	Community garden sites that are well presented, regarded as best practice, accessible for all users and visitors to share ideas, skills and knowledge with the local community.
Landholder or authority	Land owner or consenting authority responsible for management of the lands, e.g. the City of Sydney (operational and community land, roads [including footways] and Crown reserves), government departments, churches or private landowners.
Management plan	Document developed by the community garden group to describe their vision, the details of the garden, their objectives, the activities and responsibilities of the group.
Garden design or garden layout	Landscape design plan showing details of the garden beds, pathways, composting area, tool shed or rain tanks. It may also show the materials used and development stages.
Grants	The City may provide grants for the establishment and operation of community gardens. Grants must comply with the City's Grants and Sponsorship Policy.

COMMUNITY GARDENS POLICY

Public liability	Community garden groups have a duty of care to the people who visit the garden areas so should have public liability insurance. The City will provide this for Council-owned or -managed sites.
Sustainable gardening	An approach that minimises the impact on the environment by choosing organic, locally grown crops; recycling food waste through composting and worm farming; harvesting rainwater and safely using recycled materials in the construction of the garden.
Composting system	A method for breaking down vegetable scraps, garden waste and other materials into rich organic matter to fertilise gardens. These can be compost bins or worm farms.
Community footpath verge group	A group of residents that work together to garden in planter boxes or street verges on the footpath with City approval.

Policy statement

The City encourages residents to participate in and develop community gardens within the City of Sydney LGA, whether this is on Council land or other property, in line with this policy.

Principles for a community garden

To receive support from the City of Sydney, community gardens should embrace the following principles:

1. The garden must allow the general community to participate.
2. The group should be covered by the landowner's public liability insurance, or where not available, comply with and be covered by the City's community engagement public liability insurance.
3. The group must have local residents who participate in and support the garden.
4. The initiative must be supported by the landowners and the local community.
5. The group must have the skills to organise, manage and maintain a community garden or have a mentor from an existing group to assist them.
6. The group must demonstrate the capacity to fund the garden and provide ongoing maintenance.
7. The group's activities will include growing plants, seed collecting, harvesting, organic pest management, composting and worm farming.
8. The garden must have an approved management plan and design layout of the garden.
9. The group's knowledge, skills, experience and produce will be shared amongst gardeners and the local community.
10. The group will be forward thinking with new ideas and problem solving to create productive and well managed community gardens.

COMMUNITY GARDENS POLICY

11. The project must be a long-term community initiative with community participation a key objective, striving to reach 25 members for establishing a community garden group and 15 members for a footpath verge garden group.

Site selection criteria

Proposed sites for community gardens should meet the following criteria:

1. **Landowner's consent** – Approval to use the site is required from the landowner before development of the community garden.
2. **Location** – These sites are usually established on open spaces and parklands or within community centres.
3. **Community capacity** – The site must have the support of the surrounding neighbours and local residents who are willing to participate in the community garden.
4. **Safety** – Sites should be safe with good passive surveillance.
5. **Accessibility** – Sites should be accessible to the community, to people with disabilities and for delivery of materials.
6. **Solar access** – Sites require suitable growing conditions of at least six hours of full sunlight per day.
7. **Size** – Sites should be large enough to accommodate basic garden facilities.
8. **Water** – Sites should have access to water or be located close to harvested water stored in rainwater tanks.
9. **Soil contamination**– Sites should be tested for soil contamination to ensure that they are suitable for growing food crops.
10. **Multiple uses** – Community garden sites should not interfere with other land uses and can be utilised by non-gardeners for passive recreation.
11. **Existing features** – The surrounding buildings and facilities should be considered and may be utilised or retained in the garden, or integrated within the existing space.
12. **Land suitability** – The topography of the land should be reasonably flat.

The City's role

The City has adopted a community development approach to community gardens by:

- Providing advice, support and assistance when establishing new or managing existing gardens;
- Providing access to and delivery of educational workshops and bus tours;
- Promoting community gardens on the City's web page, media, in publications and at events;
- Encouraging the gardens to be self-managed and have community ownership;

COMMUNITY GARDENS POLICY

- Developing partnerships with other garden groups and volunteers involved in community greening activities; and
- Encouraging groups to apply for grants and sponsorship to assist with funding their garden.

The City would like to measure the benefits of community gardens to the community by tracking the satisfaction of community gardeners on a regular basis. The community garden groups will be responsible for the safe maintenance, upkeep, and activation of the garden spaces for the enjoyment of the community.

Approval

Approvals will be granted in accordance with community garden policy and community garden guidelines. New community garden groups must have:

- Approval from the landowner and/or Council;
- Addressed the site selection criteria for a suitable location;
- Developed a management plan approved by the garden group, landowner and the City;
- Developed a design layout of the overall community garden;
- Created community capacity within the group and have support from local residents; and,
- The skills and ability to become self-managed and maintain the garden to a high standard through community participation.

Removal

The City provides groups with advice and resources to ensure the success of their community gardens. In the event that a community garden, footpath verge garden or community composting site ceases to operate in accordance with this policy, the City reserves the right to remove the community garden to allow other community uses to be undertaken. The City will provide written notice for any community garden removal.

Establishing a community garden

The City's Community Garden Guidelines, Preferred Materials for Use in Community Gardens, and Community Composting Guidelines contain all the information required to establish, operate and manage a community garden. These documents are attached and also available for download on the City's website:

Community Garden Guidelines

Preferred materials for use in community gardens

Community Composting Guidelines

COMMUNITY GARDENS POLICY

References

Laws and standards	<ul style="list-style-type: none"> • Companion Animal Act 1998 • Companion Animal Regulation 1999 • Environmental Planning and Assessment Act 1979 • Food Act 1999 • Local Government Act 1993 • Pesticide Act 1999 • Privacy and Personal Information Act 1998 • Protection of the Environment Operations Act 1997 • Work Health and Safety 2012
Policies and procedures	<ul style="list-style-type: none"> • Sustainable Sydney 2030 • Asbestos in the Workplace Policy 2012 • Code of Conduct 2013 • Community Composting Guidelines 2014 • Community Garden Policy 2009 • Companion Animal Policy 2011 • Disciplinary Policy 2014 • EEO and Antidiscrimination Policy 2013 • Footpath Gardening Policy 2013 • Grants and Sponsorship Policy 2012 • Green Roof and Green Walls 2014 • Greening Plan 2012 • Harassment and Bullying Policy 2012 • Health and Wellbeing Policy 2014 • How to Write a Management Plan – Community Composting 2014 • Safety Management System – WHS for Volunteers and Vocational Placements 2010 • Tree Management Policy 2013 • Volunteer Policy 2012 • Waste Policy 2013 • Work Health and Safety Policy 2014

Approval

Council approved this policy on 29 February 2016.

Review

Review period	Next review date	TRIM reference
The Council will review this policy every five years	February 2021	2015/091275

ITEM 7.3**WOOLLOOMOOLOO, RUSHCUTTERS BAY AND CENTENNIAL PARK CATCHMENT AREAS FLOODPLAIN RISK MANAGEMENT STUDIES AND PLANS – ADOPTION (S118124)**

It is resolved that Council adopt the draft Flood Studies, draft Floodplain Risk Management Studies and draft Floodplain Risk Management Plans for the Woolloomooloo, Rushcutters Bay and Centennial Park Catchment Areas as shown in Attachments B to J to the subject report.

Carried unanimously.

ITEM 7.4**SYDNEY CITY CATCHMENTS – INCORPORATING THE CITY AREA AND DARLING HARBOUR CATCHMENTS – FLOODPLAIN RISK MANAGEMENT STUDIES AND PLANS – PUBLIC EXHIBITION (S122236)**

It is resolved that:

- (A) Council place the draft Flood Study, draft Floodplain Risk Management Study and draft Floodplain Risk Management Plan for the City Area and Darling Harbour Catchment Areas, as shown at Attachments B, C, D, E, F and G to the subject report, on public exhibition for a minimum period of 28 days; and
- (B) a further report on the draft Flood Studies, draft Floodplain Risk Management Studies and draft Floodplain Risk Management Plans for the City Area Catchment and Darling Harbour Catchment Area be presented to Council following the public exhibition process with any proposed changes.

Carried unanimously.

ITEM 7.5**SCOPING – GREEN SQUARE TOWN CENTRE STREETS (S105611)**

It is resolved that Council endorse the detailed design for the new and upgraded streets network for the Green Square Town Centre, as described in the subject report and as shown in Attachments A and C to the subject report, for progression to implementation.

Carried unanimously.

ITEM 7.6

SCOPING – GUNYAMA PARK AND GREEN SQUARE AQUATIC CENTRE, ZETLAND (S120089)

It is resolved that Council:

- (A) endorse the project scope as described in the subject report for the purposes of proceeding with design development, any relevant planning approvals, documentation and tender for construction of the works;
- (B) endorse the name of the centre to be called “Gunyama Park Aquatic and Recreation Centre (GPARC)”; and
- (C) note the financial implications detailed in confidential Attachment B to the subject report.

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

That the recommendation of the Environment Committee be adopted.

Variation. At the request of Councillor Forster, and by consent, the motion was varied by the addition of clause (D) as follows –

- (D) note that Football (Soccer) NSW has indicated that they could not use the field for full games as it is currently marked, but could use it for cross field games and training.

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

ITEM 8 REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 22 FEBRUARY 2016**PRESENT**

The Lord Mayor Councillor Clover Moore
(Chair)

Councillor Jenny Green
(Deputy Chair)

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

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

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

Adjournment

At 4.45pm, it was moved by the Chair (the Lord Mayor) seconded by Councillor Green –

That the meeting of the Cultural and Community Committee be adjourned for approximately 10 minutes.

Carried.

At the resumption of the meeting of the Cultural and Community Committee at 4.55pm, those present were –

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

Order of Business

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

The meeting of the Cultural and Community Committee concluded at 5.00pm.

Report of the Committee

Moved by Councillor Green, seconded by Councillor Scott -

That the report of the Cultural and Community Committee of its meeting of 22 February 2016 be received, and the recommendations set out below for Items 8.2 to 8.4 inclusive be adopted, with Item 8.1 being noted.

Carried unanimously.

ITEM 8.1

DISCLOSURES OF INTEREST

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 8.2 on the agenda in that the University of Sydney, which is her employer, was involved in the Creative Spaces and Built Environment Forum, however, the University is a large institution and its involvement is not related to her work at the University.

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

The Committee recommended the following:

ITEM 8.2

CREATIVE SPACES AND THE BUILT ENVIRONMENT DISCUSSION PAPER – PUBLIC EXHIBITION (\$125465)

It is resolved that:

- (A) Council approve the New Ideas for Old Buildings: Findings of the Creative Spaces and the Built Environment Forum discussion paper, as shown in Attachment A to the subject report, for public exhibition from 1 March to 29 April 2016;
- (B) Council note the Sydney Fringe Festival Findings of the Pop-Up Theatre Pilot Project and the Low Risk Arts and Cultural Venues – A NSW Case Study, as shown in Attachments B and C, respectively, to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make amendments to the discussion paper detailed in clause (A) in order to correct any minor drafting errors prior to its exhibition.

Carried unanimously.

Speakers

Ms Kerri Glasscock and Mr Dino Dimitriadis addressed the meeting of the Cultural and Community Committee on Item 8.2.

ITEM 8.3

KNOWLEDGE EXCHANGE SPONSORSHIP – MUSIC AUSTRALIA – NATIONAL CONTEMPORARY MUSIC ROUNDTABLE 2016 (\$122193)

It is resolved that:

- (A) Council approve cash sponsorship of \$20,618 (excluding GST) and value-in-kind of up to \$5,782 (excluding GST) under the Knowledge Exchange Sponsorship Program to Music Australia for the National Contemporary Music Roundtable conference in 2016; and

- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Music Australia.

Carried unanimously.

ITEM 8.4

KNOWLEDGE EXCHANGE SPONSORSHIP – NATIONAL CENTRE OF INDIGENOUS EXCELLENCE – INDIGENOUS DIGITAL EXCELLENCE NATIONAL SUMMIT 2016 (S102922)

It is resolved that:

- (A) Council approve a cash sponsorship of \$25,000 (excluding GST) to the National Centre of Indigenous Excellence for the Indigenous Digital Excellence National Summit 2016; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with the National Centre of Indigenous Excellence.

Carried unanimously.

Speakers

Ms Jocelyn Grant addressed the meeting of the Cultural and Community Committee on Item 8.3.

ITEM 9 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 23 FEBRUARY 2016

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

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

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

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

Apologies

Councillor Jenny Green extended her apologies for her inability to attend the meeting of the Planning and Development Committee as she was interstate on work-related matters.

Moved by Councillor Mant, seconded by Doutney -

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

Carried.

Adjournment

At 4.32pm, it was moved by Councillor Mant, seconded by Councillor Scott -

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 5.04pm, those present were:

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

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 4.03pm.

The Major Development Assessment Sub-Committee, with Councillor Kok as Deputy Chair, commenced at 5.04pm.

The Development Assessment Sub-Committee, with Councillor Mant as Deputy Chair, commenced at 5.45pm.

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. Public Exhibition – Planning Proposal: Sydney Local Environmental Plan 2012 – Rezoning of Sites in Pyrmont
3. Public Exhibition – 45 Murray Street Pyrmont – Planning Proposal and Sydney Development Control Plan 2012 Amendment
4. Post Exhibition – Sydney Local Environmental Plan 2012 – 51-55 Missenden Road Camperdown – Planning Proposal – Draft Development Control Plan – Voluntary Planning Agreement
5. Post Exhibition – Planning Proposal: Sydney Local Environmental Plan 2012 – Heritage Listing of Alexandria Hotel – 35 Henderson Road Eveleigh
6. Revised Planning Proposal, Development Control Plan and Planning Agreement – Lend Lease Circular Quay Site – Alfred Pitt Dalley and George Street Block
7. Post Exhibition – Sydney Local Environmental Plan 2012 – 230-238 Sussex Street Sydney – Planning Proposal – Draft Sydney Development Control Plan 2012 Amendments
8. Public Exhibition – 12-40 Rosebery Avenue and 108 Dalmeny Avenue Rosebery – Planning Proposal – Draft Sydney Development Control Plan 2012 Amendments
9. Fire Safety Reports
11. Development Application: 169 Botany Road Waterloo
12. Development Application: 206A-208 Clarence Street Sydney
10. Development Application: 33 Henderson Road Alexandria
13. Development Application: 180 and 182 St John’s Road Glebe – Roxbury Hotel and Adjacent Terrace
14. Development Application: 5 Leichhardt Street Glebe
15. Development Application: 7A Ivy Street Darlington
16. Development Application: 100 Bayswater Road Rushcutters Bay – Vibe Hotel
17. Development Application: 163 Victoria Street Beaconsfield

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 6.35pm.

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, during discussion on Item 9.13 on the agenda, Councillor Christine Forster disclosed a less than significant, non-pecuniary interest in Item 9.13 in that one of the speakers on that item, Mr Giovanni Cirillo, is a friend of hers.

(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 Green -

That the report of the Transport, Heritage and Planning Sub-Committee of its meeting of 23 February 2016 be received, with Item 9.1 being noted and the recommendations set out below for Items 9.2 to 9.9 inclusive being adopted.

Carried unanimously.

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

ITEM 9.2

PUBLIC EXHIBITION - PLANNING PROPOSAL: SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – REZONING OF SITES IN PYRMONT (X000023)

It is resolved that:

- (A) Council approve Planning Proposal: Sydney Local Environmental Plan 2012 - Rezoning of Sites in Pyrmont, shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway Determination;
- (B) Council approve Planning Proposal: Sydney Local Environmental Plan 2012 - Rezoning of Sites in Pyrmont for public authority consultation and public exhibition in accordance with the Gateway Determination;
- (C) Council seek authority from the Greater Sydney Commission to exercise the delegation of the Greater Sydney Commission of all the functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan;
- (D) authority be delegated to the Chief Executive Officer to make minor changes to the Planning Proposal: Sydney Local Environmental Plan 2012 - Rezoning of Sites in Pyrmont following receipt of the Gateway Determination, to prepare for public exhibition; and
- (E) Council not proceed with the preparation of a planning proposal to rezone 2-8 Point Street, 45 Bowman Street, 3 Harris Street, and 2-4 and 6-8 Mount Street Walk, Pyrmont.

Carried unanimously.

ITEM 9.3**PUBLIC EXHIBITION – 45 MURRAY STREET PYRMONT – PLANNING PROPOSAL AND SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENT (X001126)**

It is resolved that:

- (A) Council approve Planning Proposal: Sydney Local Environmental Plan 2012 – 45 Murray Street, Pyrmont, shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway Determination;
- (B) Council approve Planning Proposal: Sydney Local Environmental Plan 2012 – 45 Murray Street, Pyrmont, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council approve Draft Sydney Development Control Plan 2012 – 45 Murray Street, Pyrmont Amendment, shown at Attachment B to the subject report, for public authority consultation and public exhibition with the Planning Proposal;
- (D) Council seek authority from the Greater Sydney Commission to exercise the delegation of the Greater Sydney Commission of all the functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan to put into effect Planning Proposal: Sydney Local Environmental Plan 2012 – 45 Murray Street, Pyrmont;
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: Sydney Local Environmental Plan 2012 – 45 Murray Street, Pyrmont and Draft Sydney Development Control Plan 2012: 45 Murray Street, Pyrmont Amendment following receipt of the Gateway Determination; and
- (F) Council note that, following consideration of any submissions, and modifications as necessary, Planning Proposal: Sydney Local Environmental Plan 2012 – 45 Murray Street, Pyrmont and Draft Sydney Development Control Plan 2012 – 45 Murray Street, Pyrmont Amendment will be reported back to Council for final approval.

Carried unanimously.

ITEM 9.4**POST EXHIBITION - SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – 51-55 MISSENDEN ROAD CAMPERDOWN – PLANNING PROPOSAL – DRAFT DEVELOPMENT CONTROL PLAN – VOLUNTARY PLANNING AGREEMENT (X000797)**

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Planning Proposal: Sydney Local Environmental Plan 2012 – 51-55 Missenden Road, Camperdown and the draft Sydney Development Control Plan – 51-55 Missenden Road, Camperdown, as shown at Attachments A and B to the subject report;

- (B) Council approve the Planning Proposal: Sydney Local Environmental Plan 2012 – 51-55 Missenden Road, Camperdown, shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve Sydney Development Control Plan 2012: 51-55 Missenden Road, Camperdown, shown at Attachment B to the subject report, specifying the date of publication of the subject local environmental plan as the date the approved development control plan comes into effect, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000;
- (D) authority be delegated to the Chief Executive Officer to make any minor changes to Planning Proposal: Sydney Local Environmental Plan 2012 – 51-55 Missenden Road, Camperdown, and the draft Sydney Development Control Plan 2012 – 51-55 Missenden Road, Camperdown to correct drafting errors prior to finalisation of the local environmental plan;
- (E) authority be delegated to the Chief Executive Officer to give public notice of the amended Planning Agreement, shown at Attachment C to the subject report, and make it available for inspection by the public and, following this, enter into the Agreement on behalf of Council with the relevant proponent(s) in accordance with the Environmental Planning and Assessment Act 1979;
- (F) Council note that the local environmental plan will not be made until the Planning Agreement, shown at Attachment C, has been entered into by the Council and the relevant proponents, and registered on title of the relevant properties; and
- (G) Council require a covenant on title with any development application consistent with this proposal to prohibit residential use on the site for a minimum of ten years.

Carried unanimously.

ITEM 9.5

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

It is resolved that:

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

Carried unanimously.

ITEM 9.6**REVISED PLANNING PROPOSAL, DEVELOPMENT CONTROL PLAN AND PLANNING AGREEMENT - LEND LEASE CIRCULAR QUAY SITE - ALFRED PITT DALLEY AND GEORGE STREET BLOCK (S108395)**

It is resolved that:

- (A) Council approve the revised Planning Proposal - APDG Site Block 4, shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for an altered Gateway Determination;
- (B) Council approve the revised Planning Proposal - APDG Site Block 4 for public authority consultation and public exhibition in accordance with any conditions imposed under the altered Gateway Determination;
- (C) Council seek confirmation from the Minister or the Greater Sydney Commission whether it has the authority to exercise the plan making functions of the Greater Sydney Commission under section 59 of the Environmental Planning and Assessment Act 1979 to make the amending local environmental plan;
- (D) Council approve the revised Draft Sydney Development Control Plan 2012 - APDG Site Block 4, shown at Attachment B to the subject report, for public authority consultation and public exhibition in parallel with the draft Planning Proposal and draft Planning Agreement, and in accordance with an altered Gateway determination;
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - APDG Site Block 4 and Draft Sydney Development Control Plan 2012 - APDG Site Block 4 following receipt of the Gateway Determination; and
- (F) authority be delegated to the Chief Executive Officer to prepare a draft voluntary Planning Agreement in accordance with the terms of the letter of offer at Attachment C to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited concurrently with the Planning Proposal and Development Control Plan amendment for the site.

Carried unanimously.

Speakers

Mr Warwick Bowyer addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.6.

ITEM 9.7

POST EXHIBITION - SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – 230-238 SUSSEX STREET SYDNEY - PLANNING PROPOSAL – DRAFT SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENTS (S124316)

It is resolved that:

- (A) Council note matters raised in response to the public exhibition of Planning Proposal – Sydney Local Environmental Plan 2012 – and the draft Sydney Development Control Plan 2012 – 230-238 Sussex Street, Sydney, as shown at Attachment A to the subject report;
- (B) Council approve the Planning Proposal: 230-238 Sussex Street, Sydney, as shown at Attachment B to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve the Sydney Development Control Plan 2012 – 230-238 Sussex Street, Sydney, as shown at Attachment C to the subject report, specifying the date of publication of the subject local environmental plan as the date the approved development control plan comes into effect, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000; and
- (D) authority be delegated to the Chief Executive Officer to make any minor changes to Planning Proposal – Sydney Local Environmental Plan 2012 – 230-238 Sussex Street, Sydney and the draft Sydney Development Control Plan 2012 – 230-238 Sussex Street, Sydney to correct drafting errors prior to finalisation of the local environmental plan.

Carried unanimously.

ITEM 9.8

PUBLIC EXHIBITION – 12-40 ROSEBERY AVENUE AND 108 DALMENY AVENUE ROSEBERY – PLANNING PROPOSAL AND DRAFT AMENDMENT TO SYDNEY DEVELOPMENT CONTROL PLAN 2012 (S114564)

It is resolved that:

- (A) Council approve Planning Proposal: 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery, shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway Determination;
- (B) Council approve Planning Proposal: 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council approve draft Sydney Development Control Plan 2012 – 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery Amendment, shown at Attachment B to the subject report, for public authority consultation and public exhibition in parallel with the Planning Proposal;

- (D) Council seek authority from the Greater Sydney Commission to exercise the delegation of the Greater Sydney Commission of all the functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the amending local environmental plan;
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery and draft Sydney Development Control Plan 2012 – 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery Amendment following receipt of the Gateway Determination; and
- (F) Council note that, following consideration of any submissions, and modifications as necessary, Planning Proposal: 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery and draft Sydney Development Control Plan 2012 – 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery Amendment will be reported back to Council for final approval.

Carried unanimously.

ITEM 9.9

FIRE SAFETY REPORTS (S105001)

It is resolved that Council:

- (A) note the contents of the Fire Safety Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to J to the subject report;
- (C) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 20-26 Bayswater Road, Potts Point, as detailed in Attachment B;
- (D) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 17-27 Wheat Road, Sydney, as detailed in Attachment C;
- (E) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 17-27 Wheat Road, Sydney, as detailed in Attachment D;
- (F) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 47 Cooper Street, Surry Hills, as detailed in Attachment E;
- (G) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 464-480 Kent Street, Sydney, as detailed in Attachment F;
- (H) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 88-108 William Street, Woolloomooloo, as detailed in Attachment G;

- (I) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 324 King Street, Newtown, as detailed in Attachment H;
- (J) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 750-750A George Street, Haymarket, as detailed in Attachment I; and
- (K) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 131 Abercrombie Street, Chippendale, as detailed in Attachment J.

Carried unanimously.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kok, seconded by Councillor Mant -

That the report of the Major Development Assessment Sub-Committee of its meeting of 23 February 2016 be received, with the recommendations set out below for Items 9.10 and 9.11 and the alternative recommendation for Item 9.12 being adopted.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

ITEM 9.10

DEVELOPMENT APPLICATION: 33 HENDERSON ROAD ALEXANDRIA (D/2015/529)

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2015/529 once concurrence from Sydney Trains, made under Clause 86 of SEPP (Infrastructure) 2008, is received by Council, with delegation to the CEO being subject to the condition(s) provided by Sydney Trains; and
- (B) if the CEO determines to approve Development Application No. D/2015/529, then consideration be given to granting a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the draft conditions set out in Part A below and Part B - Conditions of Consent (Once the Consent is in Operation) - of the subject report:

PART A – DEFERRED COMMENCEMENT CONDITIONS**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)****(1) ADDITIONAL REPORTING REQUIRED – BASELINE ENVIRONMENTAL NOISE LEVELS**

A suitably qualified acoustic consultant* is to be engaged to undertake and provide an amended written report to Council on the following scope of work:

(A) Long term rating background noise levels are to be established at the north and east of the subject site in accordance with the NSW EPA Industrial Noise Policy for assessment of future impact against the City's Standard Conditions of consent. The consultant is to review the remainder of the surrounding land uses and ensure that there is unattended monitoring data to describe the existing low level noise environment against the City's Noise General and Entertainment conditions. In particular the monitoring and amended report must include the following

(a) A minimum of seven days long-term unattended noise monitoring is to be conducted in complete accordance with the NSW EPA Industrial Noise Policy (INP), being unaffected by extraneous noise and weather data to within the limits described by the Industrial Noise Policy. The following additional requirements are to be adhered to:

(i) The location of the noise monitor is to be photographed and documented for the record.

(ii) A suite of baseline environmental noise statistics are to be reported, inclusive RBL_{A90} (both broadband and equivalent 1/1 octave band spectra), Period L_{Aeq} and repeatable highest $L_{Aeq\ 1\ hr}$ levels.

(iii) The 1/1 octave band spectra, suitably describing and equivalent to the Rating Background Levels (RBL) for each of the Day, Evening and Night period is to be provided in writing as a table within the report.

a. The monitoring location is to be representative of the quieter areas of the proposal, and encapsulate the shielding at ground levels from road traffic noise naturally afforded by the built environment of the area. Monitoring data is not to be affected by any construction noise.

(iv) The consultant is to undertake a series of attended measurements at varying elevations to account for the general elevated levels of road traffic noise and commercial noise in the area from medium distance sources. The consultant is to report on whether the unattended data is adequate to represent this impact with justification or undertake and report on further unattended monitoring as they see fit.

- (b) A minimum of seven days unattended noise monitoring is to be conducted in proximity to the front boundary to encapsulate road traffic noise emissions as they will be incident on the future building site. The data will be analysed and reported on and must comply with the requirements of (i), (iii), (iv) above in addition to the following:
- (i) The following noise metrics will be reported on in accordance with the NSW Road Noise Policy and AS1055:
- a. The repeatable maximum LAeq (1 hour), traffic, and correlating
- i. LAeq repeatable 1hr L_{AMax} day 15 hour and L_{Amax} Night 9 hour,
- ii. L_{Aeq} day 15 hour and L_{Aeq} Night 9 hour,
- iii. A suite of noise statistics.
- iv. The consultant will provide distance corrections of the noise impact to the relevant levels of the building façade accounting for distance attenuation and façade exposure.

***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.

(2) **ADDITIONAL REPORTING REQUIRED – ROAD & ENVIRONMENTAL NOISE, BUILDING FACADE IMPACT ASSESSMENT**

A suitably qualified acoustic consultant* is to be engaged to undertake and provide a written report to Council on the following scope of work:

- (a) The worst case repeatable LAeq 1 hour noise levels and L_{AMax} / L_{A1} sleep disturbance levels and any other environmental noise impact as associated with the use and the surrounding environment are to be reviewed to the satisfaction of the consultant. Following this, the consultant is to document relevant noise impacts to adequately describe the noise impact across the facades of the building for noise performance planning purposes and for review in the written report.
- (b) The relevant design criteria in accordance with the use of the internal spaces will be reviewed and documented with regard the building façade, level, and space. The criteria will be determined in accordance with Section 4.3.2.11 Acoustic Privacy of the Sydney Development Control Plan 2012 and Cls 101-102 of the State Environmental Planning Policy (Infrastructure) 2007.
- (c) Noise performance reduction requirements of the composite façade construction are to be reviewed and determined from the levels outlined as per (a) and (b) above. This is to be documented in the written report.

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

- evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of this determination of this deferred commencement consent, failing which this deferred commencement consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979;
- the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as detailed in Part B – Conditions of Consent (Once the Consent is in Operation) of the subject report, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

Carried unanimously.

ITEM 9.11

DEVELOPMENT APPLICATION: 169 BOTANY ROAD WATERLOO (D/2015/991)

It is resolved that

- (A) Council support the variation sought to Clause 4.3 'Height of buildings' in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/991, 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/2015/991 dated 15 July 2015 and the following drawings:

Drawing Number	Architect	Date
101 H	Environa Studio	15.12.15
102 F	Environa Studio	15.12.15
103 F	Environa Studio	15.12.15
104 F	Environa Studio	15.12.15
105 E	Environa Studio	15.12.15
110 F	Environa Studio	15.12.15
120 G	Environa Studio	18.01.16
121 F	Environa Studio	15.12.15
130 K	Environa Studio	18.01.16
131 G	Environa Studio	18.01.16
132 F	Environa Studio	15.12.15
133 F	Environa Studio	15.12.15
134 A	Environa Studio	15.12.15
135 A	Environa Studio	15.12.15

and as amended by the conditions of this consent.

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

(2) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the business use must not exceed 0.11:1 and for the residential use must not exceed 1.64:1 in accordance with the Sydney Local Environment Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the business component is 90sqm and for the residential component is 1,343.4 sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environment Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(3) BUILDING HEIGHT

- (a) The height of the building on Botany Road must not exceed RL 30.90 (AHD) to the top of the building and RL 32.00 (AHD) to the top of the lift shaft.
- (b) The height of the building on Cope Street must not exceed RL 28.10 (AHD) to the top of the building, RL 28.10 (AHD) to the top of the stair enclosure RL 32.30 (AHD) to the top of the lift shaft.
- (c) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) and (b) above, to the satisfaction of the Principal Certifying Authority.

(4) APPROVED DESIGN ROOF - TOP PLANT

All roof-top plant and associated equipment must be fully concealed and located within the approved building envelope.

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$41,384.17
Public Domain	\$25,490.26
New Open Space	\$198,614.26
New Roads	\$50,422.42
Accessibility	\$2,092.15
Management	\$2,262.09
Total	\$320,285.35

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 - [insert latest quarter and year].

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

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

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

(6) BOTANY ROAD LOUVRES

The Level 4 perforated metal screen to Botany Road is to be entirely operable to allow a clear view for residents if desired. Details must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

(7) NORTHERN AND SOUTHERN FACADE WINDOWS

All windows on the northern and southern facade of the two buildings are to be translucent awning windows to ensure that there will be no privacy impacts on the adjacent properties. Details must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

(8) MATERIALS AND SAMPLES BOARD

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

(9) USE - SEPARATE DA REQUIRED

A separate development application for the fitout and use of the ground floor commercial tenancy facing Botany Road must be submitted to and approved by Council prior to that fitout or use commencing.

(10) 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.

(11) 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	5
Accessible residential spaces	2
Residential visitor spaces	2
Accessible residential visitor spaces	1
Retail parking	1
Subtotal	11
Motorcycle parking	1
Total	12

(12) 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.

(13) 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.

(14) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(15) 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".

(16) 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	18	Spaces must be a class 1 bicycle locker [1]
Residential visitor	2	Spaces must be Class 3 bicycle rails
Non-residential visitor	2	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Personal lockers	2	

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.

(17) INTERCOM FOR VISITORS

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

(18) 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.

(19) 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.

(20) TRAFFIC WORKS

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

(21) 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.

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

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

(23) 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.

(24) 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 accommodation as defined in Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.

- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(25) 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.

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

The following conditions apply to car parking:

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

(27) 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 Warwick West, dated 10/11/15, ref 2193/1, titled 169-171 Botany RD Waterloo Development Application Acoustic Report for Corus Developments PTY LTD C/ - Environa Studio (The Report) , dated 29/6/2015 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.

- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority which addresses the following requirements:
- (i) Section 3.8 - The consultant has provided rating background noise levels to be in accordance with the NSW EPA and City of Sydney requirements. As the consultant advises that the proposal can comply with the planning noise performance limits determined on the basis of this information, the City reserves its rights under the EP&A Act assess operational requirements against these levels. i.e Table 3 of the Report.
- a. Section 6.6 - Recommended construction for each wall facade L Aeq-dB(A) in table 12 of The Report.
- b. Section 6.7 - Required Traffic Noise Attenuation for Walls and Roof as listed in table 13 of the Report.
- c. Section 4.3.3.2- All recommended roof/ceiling construction must comply with materials and thickness shown in Figure 2 and table 6 of The Report.
- d. Section 7.3- Required Traffic Noise Attenuation for Perimeter Glazing as listed in table 14 of The Report.
- e. Section 9.2 - The external noise generated in the Level 2 and Level 6 communal open space be measured during times of usage to ensure noise levels do not exceed the recommended limit of L A10 ,t=15 min 62 dB(A) at the nearest private terrace which would be as follows:
- i. On level 1 Unit 1, Botany Road Building, say 1 metre from sound barrier wall on the private terrace with COS noise from level 1 in area between the buildings.
- ii. On level 4 Unit 9, Botany Road Building, say at railing on the private terrace with COS noise from level 4, Cooper Street Building.
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the Private Certifying Authority that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

(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) ACOUSTIC PRIVACY BETWEEN UNITS

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

(30) 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.

(31) VENTILATION TO BEDROOM AND LIVING AREAS

In accordance with the Development Near Rail Corridors and Busy Roads – Interim Guideline and Part 4J of the ADG, an alternate source of air drawn as far away as possible from sources of air pollution (Botany Road) should be ducted into any habitable room (as defined by the ADG) that only has habitable room windows on the western facade (Botany Road).

Details must be submitted to the satisfaction of the Principal Certifying Authority certifying compliance with this condition prior to the issue of a Construction Certificate.

(32) 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.
- (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.

(33) SITES IN THE VICINITY OF A HERITAGE ITEM

The proposed works are to ensure that adjoining heritage listed buildings at 1-25 John Street are to be suitably protected during the construction process. The contractor or developer must conduct consultations with the stakeholders of the neighbouring heritage sites, record and monitor the conditions of the heritage buildings 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. Details of the protection plan must be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of the Construction Certificate.

(34) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

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

The form of the recording is to be as follows:

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

A digital based recording is to include:

- (f) 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.

(35) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (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 relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

(36) USE OF COMMON AREAS AND FACILITIES

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

(37) 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.

(38) 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.

(39) 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.

(40) SHOP FRONTS/ CONVENIENCE STORES

- (a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.

- (b) Security roller shutters must not be installed on the outside of the shop front. Any security grill is to be a dark recessive colour, located on the inside of the shop front, must be an open grille / see through and not a solid metal type. Details are to be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

SCHEDULE 1B

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

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

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

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

(42) 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.

(43) ADAPTABLE HOUSING

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

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

(44) 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.

(45) CAR PARK VENTILATION

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

(46) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

(47) 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.

(48) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.
- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.

- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following:
- (i) Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.
 - (ii) Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

(49) FLOOR TO CEILING HEIGHT

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

(50) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof and garden beds above ground, 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.

(51) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of a Construction Certificate for above ground building works. The plan must include:
 - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;

- (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage, waterproofing and watering systems;
 - (vi) Details of proposed lighting.
- (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.

(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) SYDNEY WATER CERTIFICATE (TAP IN)

- (a) The approved plans must be submitted to Sydney Water's "Tap in" online service 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. Sydney Water's "Tap in" online service is available at www.sydneywater.com.au, (see Plumbing, Building & Developing and then Sydney Water "Tap in").
- (b) The Consent Authority or a Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

(54) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 1 to 25 John Street and 171B Botany Road 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.

(55) 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.

(56) 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).

(57) 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.

(58) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

- (c) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.
- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (f) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken 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.

(59) 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).

(60) 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.

(61) AWNING AND STREET TREE

A minimum clearance of 500mm must be provided between the awning and existing street tree trunk. This will allow future growth of the tree to be achieved and limit the likelihood of damage occurring to the tree trunk and/or awning.

(62) TREES APPROVED FOR REMOVAL

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

Tree No	Botanical/Common Name	Location
1	Tristaniopsis laurine (Water Gum)	Street tree – Cope Street

(63) STREET TREE PROTECTION

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

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(64) 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'.

(65) 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.

(66) 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.

(67) 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).

(68) 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.

(69) 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.

(70) 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.

(71) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

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

(72) DRAINAGE AND SERVICE PIT LIDS

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

(73) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 8 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.

(74) PUBLIC DOMAIN LIGHTING

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

(75) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

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

(76) 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.

(77) 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.

(78) 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.

(79) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Daniel Soliman of Environmental Investigations Australia PTY LTD dated 28 May 2015 and referenced E22424 AB Rev.1 and the Letter of Interim Advice prepared by Melissa Porter EPA Accredited Site Auditor 0803 dated 28 October 2015 and referenced AS121911. All remediation work carried out shall be conducted in accordance with the guidelines in force under the Contaminated Land Management Act 1997.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.

Any variations to the approved Remediation Action Plan shall be approved in writing by the Accredited Site Auditor and Council prior to the commencement of such work.

(80) 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.

(81) SITE AUDIT STATEMENT

Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor is to be submitted to the Area Planning Manager. The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and clearly state that site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

- (a) Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be reviewed and approved by Council before the SAS is issued. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a S96 application pursuant to the Environmental Planning & Assessment Act 1979 shall be submitted to ensure that they form part of the consent conditions.
- (b) An Occupation Certificate must not be issued by the PCA unless a Site Audit Statement has been submitted to the City in accordance with this condition.

(82) 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

(83) UNDERGROUND STORAGE TANK REMOVAL

The removal of underground storage tanks shall be undertaken in accordance with NSW WorkCover requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed. The tank removal shall be conducted in accordance with the Australian Institute of Petroleum's Code of Practice, The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994) and AS4976-2008 The removal and disposal of underground petroleum storage tanks. In the event of conflict between the Code of Practice and NSW WorkCover requirements, the latter shall prevail.

(84) 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.

(85) 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.

(86) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.

- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

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

(87) 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.

(88) TRANSPORT ROADS & MARITIME SERVICES CONDITIONS

- (a) Roads and Maritime has previously vested a strip of land as road along the Botany Road frontage of the subject property. Therefore, all buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Botany Road boundary.
- (b) The redundant driveway on Botany Road shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Botany Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Detailed design plans of the kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

- (c) The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to: Project Engineer,
External Works

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

Telephone 8849 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- (d) Council should ensure that the post-development storm water discharge from the subject site into the Roads and Maritime drainage system does not exceed the pre-development discharge.
- (e) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to:

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

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

- (f) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Botany Road during construction activities.
- (g) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Botany Road.
- (h) All works associated with the proposed development are to be at no cost to Roads and Maritime.
- (i) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

(89) GARBAGE ROOM

The garbage room is to be constructed in accordance with City of Sydney's policy for Waste Minimisation in New Developments and the BCA. The floor of the garbage room is to be drained to a floor waste connected to the sewer. The floor waste is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements. A constant supply of water is to be available within the vicinity.

(90) 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.

(91) 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.

(92) USE OF INTRUSIVE APPLIANCES

A report detailing the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992", is to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

As a minimum, the report must specify:

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

(93) 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.

(94) 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.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(95) 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.

(96) 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.

(97) 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.

(98) 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.

(99) 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.

(100) 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.

(101) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(102) 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.

(103) REDEFINITION PLAN

- (a) Prior to the issue of a Construction Certificate, the initial boundary definition survey work necessary for the preparation of a redefinition plan redefining the boundaries of Lot 21 in DP 135619 shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The registered surveyor shall provide a letter to the PCA certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate.
- (b) A plan or CAD file showing the redefined boundaries shall be provided to the project architect, who shall certify in writing that the proposed building as designed will fit within the redefined boundaries, without causing any encroachment of the proposed building or any overhangs attached to the proposed building. This written certification by the project architect shall be provided to the PCA prior to the issue of a Construction Certificate.
- (c) Prior to the issue of an Occupation Certificate, the redefinition plan shall be completed and lodged with the Office of Land and Property Information, NSW, showing the new building and creating any easements as necessary under Section 88B of the Conveyancing Act, 1919. The terms of these easements are to be to the satisfaction of Council. Evidence of lodgement of the redefinition plan shall be supplied to the PCA prior to the issue of the Occupation Certificate.

Reason: The boundaries of Lot 21 are poorly defined. A redefinition plan, when registered, will provide certainty in the location of the cadastral boundaries. LPI-NSW will require a redefinition plan prior to registering a strata plan over the site.

(104) SURVEY

- (a) AT FOUNDATION STAGE - 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. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.
- (b) DURING CONSTRUCTION - A survey of the formwork for the concrete slab at each floor level, showing its position in relation to the site boundaries, must be carried out prior to concrete pour, and supplied to the Principal Certifying Authority.
- (c) AT COMPLETION – Prior to the issue of an Occupation Certificate - A Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment. Any encroachments of the building over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act, 1919, with terms to the satisfaction of Council, must be provided for in conjunction with the redefinition plan referred to in clause (1) above.

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.

(105) 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.

(106) 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.

(107) 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.

(108) SHOP NUMBERING

Shops not having a direct street frontage, such as individual food businesses within a food court must have their shop number clearly displayed and visible at all times on the shop front.

(109) BASIX

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

(110) 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.

(111) 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.

(112) 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.

(113) EROSION AND SEDIMENT CONTROL

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

During the construction period:

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

SCHEDULE 2

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

Carried unanimously.

Speakers

Ms Edwina Mathews and Mr Tone Wheeler addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.11.

ITEM 9.12

DEVELOPMENT APPLICATION: 206A-208 CLARENCE STREET SYDNEY (D/2015/1100)

It is resolved that consent be granted to Development Application No. D/2015/1100, subject to the conditions as detailed in the subject report.

Note – the recommendation of the Planning and Development Committee was not adopted. The following alternative recommendation was adopted (as contained in the memo dated 25 February 2016 from the Director City Planning, Development and Transport, and circulated prior to the meeting).

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

It is resolved that consent be granted to Development Application No. D/2015/1100, subject to the conditions as detailed in the subject report to the Planning and Development Committee on 23 February 2016, subject to the amendment of Condition (4) such that it read as follows (with additions shown in ***bold italics underlined text*** and deletions ~~***bold italics strikethrough text***~~):

(4) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) To provide an appropriate transition to the adjacent heritage item at 204-206 Clarence Street, the proposed cantilevered awning is to be set back ~~3m~~ ***2.8m*** from the northern end.
- (b) The ground floor lobby check in space is to be amended to provide a location for interpretation display including display cases in the event of any archaeological relics of significance being found during archaeological investigations. An ~~alternate~~ ***alternative*** location that is equally accessible may be considered.
- (c) The following modifications are required to the guestrooms:
 - (i) Provide secure storage facilities of a minimum capacity of 0.6 cubic metres per person per room;
 - (ii) All bedroom windows should be able to be opened.

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

Carried unanimously.

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

It is resolved that consent be granted to Development Application No. D/2015/1100, 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/2015/1100 dated 6 August 2015 and the following drawings:

Drawing Number	Architect	Date
TP00 Revision A	K2LD	13 October 2015
TP02	K2LD	22 June 2015
TP03	K2LD	22 June 2015
TP04	K2LD	22 June 2015
TP05	K2LD	22 June 2015
TP06 Revision A	K2LD	13 October 2015
TP08 Revision A	K2LD	13 October 2015
TP09 Revision A	K2LD	13 October 2015
TP10 Revision A	K2LD	13 October 2015
TP11 Revision A	K2LD	13 October 2015
TP12 Revision A	K2LD	13 October 2015
TP13 Revision A	K2LD	13 October 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) BUILDING HEIGHT

- (a) The height of the building must not exceed RL72.09 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(3) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 10.3:1 FSR 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 2,643sqm.
- (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 384sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 8:1 FSR as specified in the Sydney Local Environmental Plan 2012.

(4) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) To provide an appropriate transition to the adjacent heritage item at 204-206 Clarence Street, the proposed cantilevered awning is to be set back 2.8m from the northern end.
- (b) The ground floor lobby check in space is to be amended to provide a location for interpretation display including display cases in the event of any archaeological relics of significance being found during archaeological investigations. An alternative location that is equally accessible may be considered.
- (c) The following modifications are required to the guestrooms:
 - (i) Provide secure storage facilities of a minimum capacity of 0.6 cubic metres per person per room;
 - (ii) All bedroom windows should be able to be opened.

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

(5) USE - SEPARATE DA REQUIRED

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

(6) MATERIALS AND SAMPLES BOARD

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

(7) APPROVED DESIGN ROOF - TOP PLANT

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

(8) 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. The Plan of Management shall be amended to reference only the approved guest drop off and pick up and bus parking.

(9) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST 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 Registered Quantity Surveyor's Detailed Cost 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 Registered Quantity Surveyor's Detailed Cost 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.

(10) 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.

(11) EXTERNAL LIGHTING

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building (including under awning lighting).

(12) 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.

(13) VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by, Council for the removal of any existing crossing and replacement of the footpath formation.

(14) 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".

(15) 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
Staff	5	Spaces must be class 2 bicycle facilities
Visitor	6	Spaces must Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	11	

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.

(16) 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.

The submission shall also include the Hotel Plan of Management which provides details of customer drop off and pick up and bus parking.

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.

(17) 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.

(18) BOUNDARY WINDOWS COVENANT

All windows adjacent to the northern boundary of the site must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. Prior to a Construction Certificate being issued, a documentary restrictive covenant is to be registered on the Title of all units/tenancies facing the affected boundary. The covenant is to be created appurtenant to Council and at no cost to Council.

(19) 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 WSP Acoustics, 10/17/15, ref ACG1510000, titled 208 Clarence Street Noise Impact Assessment Council Trim Ref 2015/405560 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority which addresses the following requirements:
- (i) That the minimum required sound insulation for hotel rooms shall achieve a minimum of $55R_w + C_{tr}$.
- (ii) Minimum required sound reduction index of hotel room external glazing and façade;

Room Type	Clarence Street	Market Row
	$R_w = C_{tr}$	$R_w = C_{tr}$
Bedroom	44(-3)	39(-3)
Public areas	39(-3)	N/A

- (iii) Party walls between the proposed hotel development and adjacent residencies shall be designed to achieve a minimum sound insulation performance of $55 R_w + C_{tr}$.
- (iv) Minimum sound insulation requirements for walls floors services and pumps shall be in accordance with table 4.1 of the WSP acoustic report.

- (v) Building services noise: a final acoustic assessment will be required prior to occupation certificate confirming that the mechanical plant complies with the NSW Industrial Noise Policy and acoustic mitigation measures mentioned in the WSP acoustic report part 5.4.1.
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifying Authority that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

(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.

(21) NO SPEAKERS OR MUSIC OUTSIDE

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

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.

(22) ARCHAEOLOGICAL INVESTIGATION – NON STANDARD

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified by any person during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the Department of Environment and Climate Change for an excavation permit for Aboriginal relics.
- (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) One hard copy and one electronic of the final archaeological report detailing all findings is to be submitted to Council for lodgement in Council Archives prior to the issue of the Occupation Certificate.

(23) 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.

(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 Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of the site including archaeological features 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 strategy must specify the location, type, making materials and contents of the interpretation device being proposed. The ground floor Lobby Check in space is to be amended to provide a location for interpretation display including display cases in the event of any relics of significance being found during archaeological investigations. An alternate location that is equally accessible may be considered
- (d) Prior to occupation certificate being issued, the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager.

(25) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the building at 206A-208 Clarence Street Sydney is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

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

A digital based recording is to include:

- (f) CD or DVD containing the report in PDF format and the electronic images saved as JPEG, TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.

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

Stone, bricks, roof tiles, joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses 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.

(27) SITES IN THE VICINITY OF A HERITAGE ITEM – MAJOR DEVELOPMENT

- (a) A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of the Construction Certificate. The Strategy is to detail how the proposed works will ensure that the buildings at 204-206 Clarence Street are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- (b) Additionally the protection strategy is to include:
 - (i) 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.
 - (ii) 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.
 - (iii) (for sites requiring large scale excavation that is below the level of adjacent heritage items) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. This report should address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.
 - (iv) Details of the proposed protection of party walls from damp and water ingress during the works.

(28) REDUCTION OF RISING DAMP AND SALT ATTACK IN BUILDINGS CONSTRUCTED PRIOR TO 1920

To avoid potential damage caused by rising damp and migrating salts to the adjacent heritage item at 204-206 Clarence Street. The following details are required to be submitted.

- (a) The proposed drainage and cavity spatial separation along the side boundary with the item, and
- (b) A methodology for progressive cleaning out of the cavity adjacent to the heritage item, after each day of construction work. This methodology is to be complied with throughout all stages of construction.

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

(29) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover) and the City of Sydney Managing Asbestos Policy.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

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

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

The construction Noise Management Plan must include the information set out in the ALTERNATIVE DEMOLITION & EXCAVATION METHODOLOGY condition.

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

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

- (a) Adopt and include any requirements from The Demolition Methodology Report.
- (b) Identification of all noise sensitive receivers near to the site.
- (c) The proposed hours of all construction and work on the development including building / demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc), in connection with the proposed development.
- (d) 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 City of Sydney Construction Hours / Noise Code of Practice 1992 and comply with the DIN4150 limits for prevention of cosmetic damage to the adjacent buildings. Operations must be undertaken to comply the human annoyance exposure thresholds in AS2670. Where resultant site noise levels are likely to be in exceedance of this noise criteria, 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.

- (e) Representative environmental baseline noise levels for use in determining noise criteria in accordance with the NOISE – CONSTRUCTION, DEMOLITION & EXCAVATION condition are as per the COMPLIANCE WITH THE ACOUSTIC REPORT condition.
- (f) 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.
- (g) 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. The issue of internal to internal noise transfer during the demolition and construction phase will need to be addressed by the consultant.
- (h) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (i) Details of any additional 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.
- (j) 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.

(31) ALTERNATIVE DEMOLITION & EXCAVATION METHODOLOGY

Prior to the issue of a construction certificate, and the activation of this consent, the following scope of work must be completed to the written satisfaction of the Manager – Planning & Assessments:

- (a) A professional engineer with suitable tertiary qualifications in civil, structural or other equivalent discipline or a person with adequate industry experience in the specialist demolition of structures via non-percussion hammer methodology, i.e. concrete removal and disposal, is to be appointed (the Demolition Professional).
- (b) A suitably qualified acoustic consultant* will be appointed.

- (c) For the purpose of this condition, the use of excavator mounted or otherwise non-handheld, power actuated percussion hammers, rock breakers (or otherwise known, such/similar equipment) are not permitted for general use on the site. Any exclusion to this will be to a reported work methodology provided to the written satisfaction of the Manager – Planning & Assessments. The use of demolition charges / explosives is forbidden and methodologies must be to the satisfaction of the Manager – Planning & Assessment, to best practicable means with employ of all reasonable and feasible alternative methodologies and mitigations.
- (d) Working together, the Demolition Professional & Acoustic Consultant will prepare a report (The Demolition & Excavation Methodology Report / The Report) which:
 - (i) Reviews the construction methodology of the existing building,
 - (ii) In accordance with (c) above, identifies and provides alternative demolition works methodologies that must be employed for use in removing the existing structure in a manner which will comply with the CONSTRUCTION NOISE conditions in this determination. Methodologies which are to be considered include:
 - a. Section sawing, slab sawing and wall sawing,
 - b. Diamond tipped wire sawing,
 - c. Bursting, splitting, fracturing using bursting heads or other consistent means,
 - d. Portable or excavator assisted crushing methodologies,
 - e. Other means aside from apparatus excluded in part (c) above.
 - (iii) The report may not dismiss the use of any of the above in favour of non-hand held percussion hammer equipment for demolition without:
 - a. Identifying the specific floor and section of the building for which non-hand held percussion equipment is proposed to be used. The report is not to generalise areas and sections of the building.
 - b. Providing specific written justification as to why each of the methodologies in part (d)(ii)(a-e) above cannot be employed with reference to the specific section of the building non-handheld percussion hammers are proposed to be used. If Work Health & Safety is to be used as basis for exclusion of the methodologies in (d)(ii)(a-e) above, the demolition professional must be able to present risk assessment documentation detailing as to why this is the case. And,

- c. The Acoustic consultant must provide specific acoustic treatment / mitigation for percussion hammers that are proposed to be used and demonstrate that it will comply with the CONSTRUCTION NOISE conditions at all surrounding noise sensitive receivers. Generalist reference to AS2346 techniques or otherwise is not permitted. The report must detail application and location specific noise control.
- (iv) Provides a statement prepared by the Demolition Professional and Acoustic Consultant that includes their name, qualifications and a summary of experience that the methodology reported on is encapsulates all reasonable and feasible measures to reduce the environmental noise impact of the proposal. The report must support this statement with adequate demonstration that alternative methodologies have been investigated.
- (e) The City reserves the right to have an independent person or persons review any aspect of the report or conclusions reached and include further necessary terms and content to the satisfaction of the Manager – Planning & Assessment.
- (f) The final approved report will form part of this consent.

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

(32) 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 which shall be submitted to and approved by the Area Planning Manager prior to issue of any Construction Certificate.
- (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.

(33) 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.

(34) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 204 – 206 Clarence Street and 210 – 216 Clarence Street, Sydney 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.

(35) 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.

(36) 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).

(37) 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.

(38) DEMOLITION/SITE RECTIFICATION

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.

- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) a bank guarantee to be provided in the sum of 63,950 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed 63,950 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
 - (ii) Council is to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the erection of the structure has commenced;
 - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - a. make the building safe and of an appearance acceptable to Council at ground level;
 - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - c. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage-point; or
 - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)a – d to take place on the site; and
 - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may provide for the release of the Bank Guarantee at such time that the Final Occupation Certificate for the approved development is issued. If the approved development also relates to works to existing buildings, the relevant Final Occupation Certificate is the one that relates to that part of the approved development which involves the demolition and new construction.

(39) 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

(40) 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.

(41) 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.

(42) MICROBIAL CONTROL IN WATER SYSTEMS

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

(43) AIR HANDLING

In the event of any process in any room being of such a nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given-off, an air handling system must be installed providing positive capture and removal of the effluents. The effluent must be discharged to atmosphere at a point that will not create a nuisance and located in a position complying with AS 1668.2.

(44) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

(45) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement 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.

(46) 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).

(47) 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.

(48) 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.

(49) 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.

(50) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 8 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.

(51) 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.

(52) 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.

(53) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Clarence 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.

(54) 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.

(55) 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).

(56) 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.

(57) 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.

(58) 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.

(59) 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.

(60) 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.

(61) WASTE AND RECYCLING MANAGEMENT - MINOR

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

(62) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(63) TRANSPORT ACCESS GUIDE

A Transport Access Guide, including a strategy for the future availability of the Guide to all residents, employees and/or visitors to the site, must be submitted to and approved by Council prior to the Occupation Certificate for the site/use being granted.

Note: Transport Access Guide requirements are detailed in section 7.7 of the DCP. Information about preparing Travel Plans is also available on Council's website. Prior to submission, the applicant can contact a member of the Transport and Access Unit to discuss the Guide or Plan.

(64) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

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

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

(66) 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

(67) 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.

(68) ACCOMMODATION REGISTER

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 manager must be contactable 24 hours a day.

(69) 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 2436-1981 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) 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.

(71) 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.

(72) 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.

(73) 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.

(74) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(75) 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.

(76) 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.

(77) 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.

(78) 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.

(79) 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.

(80) 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.

(81) EROSION AND SEDIMENT CONTROL

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

During the construction period:

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and

- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

(82) 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.

(83) VEHICLE CLEANSING

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

(84) 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.

(85) 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.

(86) 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.

(87) USE OF MOBILE CRANES

The following requirements apply:

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

SCHEDULE 2**PRESCRIBED CONDITIONS**

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

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

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

Speakers

Mr Richard Mark and Mr Stuart McDonald addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.12.

Report of the Development Assessment Sub-Committee

Moved by Councillor Mant, seconded by Councillor Kok -

That the report of the Development Assessment Sub-Committee of its meeting of 23 February 2016 be received, with the recommendation set out below for Items 9.14 to 9.17 inclusive being adopted, and Item 9.13 being dealt with as shown immediately following that item.

Carried unanimously.

The Development Assessment Sub-Committee recommended the following:

ITEM 9.13

DEVELOPMENT APPLICATION: 180 AND 182 ST JOHN'S ROAD GLEBE - ROXBURY HOTEL AND ADJACENT TERRACE (D/2015/1241)

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 29 February 2016.

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

It is resolved that:

- (A) 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
- (B) consent be granted to Development Application No. D/2015/1241, subject to the conditions as detailed in the subject report.

Carried unanimously.

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

It is resolved that:

- (A) 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
- (B) consent be granted to Development Application No. D/2015/1241, 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/2015/1241 dated 31 August 2015 and the following drawings:

Drawing Number	Architect	Date
DA0 01 Issue B Site, Roof and Site Analysis Plan	Lawton Hurley	Dec 2015
DA02 Issue B Basement and Ground Floor Plans (version showing bar and restaurant furniture/details)	Lawton Hurley	Dec 2015
DA 03 Issue B First and Second Floor Plans	Lawton Hurley	Dec 2015
DA 04 Issue B Sections and Elevations	Lawton Hurley	Dec 2015
DA 05 Issue B Sections and Elevations	Lawton Hurley	Dec 2015
DA 10.b Finishes and Materials	Lawton Hurley	Dec 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) 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	\$1,219.34
Public Domain	\$13,688.06
New Open Space	\$112,374.31
Accessibility	\$1,123.47
Management	\$1,214.72
Total	\$129,619.90

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 - 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.

(3) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Balustrades of the original Victorian style are to be re-instated to the ground and first floor balconies of the terrace at 180 St. John's Road.
- (b) Design details are to be provided for the doors to the bin storage for the pub/restaurant facing Forest Street. The doors must not open over the Forest Street footway.

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

(4) SURRENDER OF CONSENT

Development consent D/99/0548 and any modifications to this consent for the Hotel are to be surrendered.

(5) HOURS OF OPERATION – PUB/RESTAURANT

The hours of operation of the pub/restaurant are restricted to between 10.00am – 12 midnight Mondays to Saturdays and 10.00am – 10.00pm Sundays.

(6) CESSATION OF SERVICE

The premises may be open for business only between the operating hours in condition 5 above. The operator must cease providing food and alcohol at the premises 15 minutes before the required closing time.

(7) LICENSED PREMISES – PRIMARY PURPOSE

The primary purpose of the licensed premises component of the development is as a pub.

(8) MAXIMUM CAPACITY OF PERSONS FOR PUB/RESTAURANT

- (a) The maximum number of persons (including staff and patrons) permitted in the premises at any one time is 85 persons.
- (b) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- (c) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details of the sign are to be submitted to Council's Health and Building Unit for approval prior to issue of a Construction Certificate.

Note: Clause 98D of the Environmental Planning and Assessment Regulation 2000 requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- (i) entertainment venue;
- (ii) function centre;
- (iii) pub;
- (iv) registered club;
- (v) restaurant.

(9) OPERATION OF PUB/RESTAURANT/GAMING AREAS

- (a) The gaming room louvres are to be fixed in such a manner as to limit the escape of noise and light.
- (b) The existing ground level door and window in the terrace are to be fixed shut to minimise the escape of noise from the use of the gaming room.
- (c) The existing front set back of the terrace is not to be used as a smoking area or for any gathering of pub/restaurant patrons.
- (d) All entry doors to the pub/restaurant are to be kept shut when not in use.

(10) INCIDENTS – RECORDING AND NOTIFICATION

The manager/licensee of the pub must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

(11) QUEUING

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

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic, dated 17 August 2015, project number 20150862.1 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.
- (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.

(13) NOISE - ENTERTAINMENT VENUES

- (a) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.

- (b) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an $L_{A10, 15 \text{ minute}}$ enters any residential use through an internal to internal transmission path is not to exceed the existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the $L_{A10, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

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

(14) 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.

(15) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the licensed premises with particular coverage to:
 - (i) principal entrance/s and exits;
 - (ii) all areas within the premise occupied by the public (excluding toilets);
 - (iii) staircases in multilevel premises; and

- (iv) the area within a 10m radius external to the public entrance(s) to the premise.
- (b) Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- (c) All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.
- (f) All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- (g) The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

(16) 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.

(17) NO SPRUICKING NOISE

No persons (such as those commonly known as spruickers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

(18) 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.

(19) GLASS CRUSHER

All glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located inside the premises) prior to the removal of such waste from the premises.

(20) REMOVAL OF GLASS

Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises (except from any approved bottle shop area) or approved outdoor dining area included in the boundaries of the licensed premises.

(21) NEIGHBOURHOOD AMENITY/SECURITY

- (a) Signs must be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage shall be in bold letters not less than 25mm in height on a contrasting background.
- (b) The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management/licensee must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.
- (c) If the pub/restaurant holds a function for a substantial celebration, eg. 21st birthday, engagement etc, at least one licensed, uniformed security guard must be employed.

- (d) The management/licensee must liaise with the local police to ensure that they are aware of any upcoming functions.
- (e) In the event of a crime occurring, crime scene conditions are to be preserved, police and other emergency services are to be notified, and access to the area restricted by staff.
- (f) Adequate security lighting is to be provided to/near all entry points to the hotel.

(22) PLAN OF MANAGEMENT - HOTEL

The Hotel use must always be operated / managed in accordance with the Plan of Management for the pub/restaurant, prepared by Planning Lab dated August 2015 (and received by Council on 21 December 2015) that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

(23) PLAN OF MANAGEMENT – BOARDING HOUSE

The Boarding House use must always be operated / managed in accordance with the Plan of Management for the boarding house, prepared by Planning Lab dated 26 August 2015 (and received by Council on 21 December 2015) that has been approved by Council subject to inclusion of the following amendments:

- (a) In Table 2 under Part 4. House Rules in the “Fee for residency” section; add the words “in accordance with the occupancy agreement” at the end of the first paragraph to clarify eviction procedures.
- (b) The Plan of Management should note that Residential Tenancy Agreements (under the Residential Tenancies Act 2010) will not be used at any time on the premises without the consent of Council.

In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

(24) COPIES OF CONSENTS AND MANAGEMENT PLANS

A full and current copy of all current development consents for the operation of the licensed premises and of the boarding house, and the Plans of Management must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

(25) 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.

(26) BOARDING HOUSE – MINIMUM STAY

The Occupancy Agreement for the boarding house should state a minimum length of stay of 3 months.

(27) BOARDING HOUSE ACCESS/SECURITY

- (a) All common entries to the boarding house are to be accessible by key card/pad or intercom system and should be self-closing and self-locking.
- (b) Individual rooms should incorporate solid core doors, security locks and one-way viewers.
- (c) Lighting should illuminate pedestrian routes, room entries, internal and external communal areas such as hallways, foyers, the lift and stairwells.
- (d) The communal open space, common room and all other areas of the boarding house must not be accessed/used by patrons of the pub/restaurant.

(28) USE OF BOARDING HOUSE COMMUNAL OPEN SPACE AND COMMON ROOM

- (a) The communal open space may only be used between 7.00am – 10.00pm Mondays to Saturdays and 8.00am – 10.00pm Sundays and public holidays.
- (b) The on-site manager is to limit the number of people occupying the communal open space at any one time to 17 people.
- (c) The on-site manager is to ensure that all windows/doors of the common room facing the communal open space are closed when the room is in use.
- (d) No live music may occur within either the communal open space or the common room.
- (e) The on-site manager is to ensure that the drying deck is not used for socialising/as communal open space.

(29) 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.

(30) 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.

(31) 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.

(32) BICYCLE PARKING

- (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	8	Spaces must be a class 2 bicycle locker

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.

(33) NUMBER OF ADULTS PER ROOM

No more than two adults shall occupy any double room and only one adult shall occupy a single room as indicated on the approved drawings. No room shall contain more than one bed. This will result in a total maximum number of 34 boarders.

(34) SHARPS WASTE DISPOSAL EQUIPMENT

The boarding house must provide adequate sharps waste disposal equipment which includes at least:

- (a) One sharps disposal bin that:
- (i) complies with Australian Standard 4031:1992;
 - (ii) is of at least 1 litre capacity;
 - (iii) is clearly labelled for use as a sharps bin;
 - (iv) has a lid that can be sealed;
 - (v) is not more than three quarters full before sealing and being replaced;
 - (vi) is located on the premises at all times;

- (vii) is located in an area accessible to all staff;
- (b) Tongs, and;
- (c) Gloves.

(35) SHARPS WASTE STORAGE

The boarding house must provide a designated storage space for sharps waste disposal equipment which contains at least:

- (a) 1 sharps disposal bin;
- (b) 1 set of tongs;
- (c) gloves;
- (d) safe disposal procedural information, and;
- (e) needle stick injury procedural information.

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

All owners, tenants and occupiers of this building (including the on-site manager) 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.

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

Signs reading 'all owners, tenants and occupiers (including the on-site manager) 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.

(38) DELIVERY VEHICLES

Deliveries associated with the site that involve the movement of vehicles, must only occur between the hours of 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

(39) 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.

(40) SIGN ILLUMINATION

- (a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with AS4282-1997 control of obtrusive effects of outdoor lighting.
- (b) The sign(s) must not flash.

(41) SIGNS/GOODS IN THE PUBLIC WAY

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

(42) 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.

(43) 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.

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.

(44) FIBRE CEMENT FINISH TO FACADE

The compressed FC sheeting to the facade is to be of high quality such as CSR Cemintel Expresswall or similar type and quality product.

(45) 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.

(46) 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.

(47) STREET TREE PROTECTION

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

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or

- (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding to protect branches during the construction works.
- (e) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(48) 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'.
- (c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

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

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the whole building must comply with the Building Code of Australia (BCA) including:
 - (i) Fire resistance and stability - Part C1;
 - (ii) Compartmentation and separation - Part C2;
 - (iii) Protection of openings - Part C3;
 - (iv) Provision for escape (access and egress) - Part D1;
Attention is drawn to non-compliance with D1.2 (c)
 - (v) Construction of exits - Part D2;
 - (vi) Access for people with disabilities - Part D3;
Note: Compliance with the access provisions of Part D3 may necessitate design modifications prior to a Construction Certificate being issued.
 - (vii) Fire fighting equipment - Part E1;

- (viii) Smoke hazard management - Part E2;
- (ix) Lift installation - Part E3;
- (x) Emergency lighting, exit signs and warning systems - Part E4;
- (xi) Damp and weatherproofing - Part F1;
- (xii) Sanitary and other facilities - Part F2;

Note: For restaurants, cafes, bars and the like, sanitary facilities (including accessible facilities for persons with disabilities complying with AS 1428.1) must be provided for customers where more than 20 seats are provided, including seating for any future footway dining facilities.

- (xiii) Room sizes - Part F3;
- (xiv) Light and ventilation - Part F4;
- (xv) Sound transmission and insulation - Part F5;
- (xvi) Energy Efficiency - Air-conditioning and ventilation systems - Part J5;
- (xvii) Energy Efficiency - Artificial lighting and power - Part J6;
- (xviii) Energy Efficiency - Hot water supply - Part J7;
- (xix) Energy Efficiency - Access for maintenance - Part J8;

Prior to a Construction Certificate being issued the Certifying Authority must ensure that the proposed works and other upgrading works required by this condition satisfy the Building Code of Australia by complying with Clause A0.4 of the BCA.

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

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

IMPORTANT NOTE:

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

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

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 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).

(52) 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).

(53) 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.

(54) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

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

(55) 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.

(56) 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.

(57) 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.

(58) 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.

(59) 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.

(60) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(61) 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.

(62) 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.

(63) 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.

(64) 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 a Construction Certificate being issued.

(65) 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.

(66) PERSONAL LOCKERS

Clothing lockers or change rooms for male and female staff must be provided in the premises or a dedicated, separate and isolated space for personal items must be provided in a separate location to the food handling and storage areas.

(67) 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.

(68) 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.

(69) WASTE ROOMS

- (a) To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – Design, Construction and Fitout of Food Premises, and must be:
- (i) Provided with a hose tap connected to the water supply;
 - (ii) Paved with impervious floor materials;
 - (iii) Coved at the intersection of the floor and walls;
 - (iv) Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
 - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
 - (vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
- (b) Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate.

(70) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and AS1668.2.

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

(71) 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.

(72) 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).

(73) 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.

(74) BARRICADE PERMIT

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

(75) 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.

(76) LETTERBOXES

All letterboxes are to be designed and constructed to be accessible from the public way and are to be lockable.

(77) RECEPTACLES FOR CIGARETTE BUTTS

Receptacles for the disposal of cigarette butts are to be provided on the site, adjacent to each of the entrance/s to the building. Prior to a Construction Certificate being issued, the location and design of the receptacle/s must be approved by Council. The receptacle/s must:

- (a) be located entirely on private property and must not be located on or over Council's footpath;
- (b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;
- (c) be appropriately secured to the building;

The emptying and maintenance of the receptacle/s must be done on a daily basis and is the responsibility of the building owner/manager.

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(78) 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.

(79) 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.

(80) BASIX

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

(81) FOOD PREMISES - HEALTH DATABASE REGISTRATION

The licensed premises is to be registered with Council's Health and Building Unit prior to the issue of an Occupation Certificate or occupation with an Interim Occupation Certificate (whichever is earlier).

Note: Registration forms are available on Council's website www.cityofsydney.nsw.gov.au.

(82) HEALTH DATABASE REGISTRATION

The boarding house 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.

(83) SEPARATE WASTE AND RECYCLING STORAGE AND COLLECTION FOR EACH USE

Waste and recycling storage and collection for the licensed premises use and the boarding house use are to be entirely separate from one another.

(84) 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.

(85) 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.

(86) 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.

(87) DEDICATION OF SPLAY

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

(88) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(89) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area, apart from the Juliette balconies overhanging Forest Street at first floor level which must not encroach by more than 450mm.

(90) SURVEY

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

(91) SURVEY CERTIFICATE AT COMPLETION

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

(92) COVERING OF LOADS

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

(93) 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.

(94) 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.

(95) 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.

Speakers

Ms Lindy Walker, Ms Tess Lloyd, Ms Ro Murray, Mr Giovanni Cirillo and Mr Peter Hurley addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.13.

ITEM 9.14

DEVELOPMENT APPLICATION: 5 LEICHHARDT STREET GLEBE (D/2015/1345)

It is resolved that:

- (A) the variation sought to Clause 4.3 (Building Height) of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No. D/2015/1345, 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/2015/1345 dated 18 September 2015 and the following drawings:

Drawing Number	Architect	Date
0909-01	Brad Inwood Architects	5 January 2015
0909-02	Brad Inwood Architects	5 January 2015
0909-03	Brad Inwood Architects	5 January 2015
0909-04	Brad Inwood Architects	5 January 2015
0909-05	Brad Inwood Architects	5 January 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) REAR ROOF EXTENSION

The rear roof extension:

- (a) Is not to exceed 4200mm in width;
- (b) Is to be centrally located on the rear roof plane to match the adjoining dwelling at No. 7 Leichhardt Street, Glebe;
- (c) Is to be set back a minimum of 500mm from side walls as measured from the inner edge of the buildings party walls;
- (d) Is to be set back a minimum of 200mm from the rear wall as measured along the roof plane from the outer face of the rear wall;
- (e) Is to be set down a minimum of 200mm below the ridge line as measured along the roof plane from the ridge;
- (f) The balustrade is to be deleted and replaced with windows with a sill height of at least 1m above the attic floor level;

- (g) The windows must contain fixed, opaque glazing, up to a sill height of 1.4m above the attic floor level;
- (h) The windows must use timber joinery and be timber framed;
- (i) If the windows are operable, details of this must be shown on the plans;
- (j) The external walls of the extension must be clad with timber weatherboards;
- (k) The roofing is to be of a corrugated metal profile at a minimum 5 degree pitch;
- (l) The flashing or waterproofing of the rear roof extension is not to span the roof ridge and is not to be visible from the front street.

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

(3) FRONT DORMER

- (a) The front dormer is to have a nil set down from the ridgeline and match the form, size and detailing of the existing front dormer on the adjoining dwelling at No. 7 Leichhardt Street, Glebe;
- (b) The front dormer must use timber joinery and casement windows and must be timber framed and match the proportions of the existing front dormer casement window on the dwelling at No. 7 Leichhardt Street, Glebe;
- (c) The external material of the front dormer is to be in timber weatherboard;
- (d) The external joinery must be detailed in a manner appropriate to the style and period of the building.

Details of the dormer (at a scale of 20:1) and of the weatherboard profile must be submitted to and approved by Council's Area Planning Manager prior to the issue of the Construction Certificate.

(4) SKYLIGHT

The skylight is to be fitted flush with the roof plane, is to be predominantly glazed with simple unobtrusive detailing and the frame of the skylight is to have the same colour as the roofing material.

(5) 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 Brad Inwood Architects dated 5 January 2015.

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.

(6) ASBESTOS REMOVAL WORKS

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.

(7) 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.

(8) BARRICADE PERMIT

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

(9) SYDNEY WATER CERTIFICATE (TAP IN)

- (a) The approved plans must be submitted to Sydney Water's "Tap in" online service 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. Sydney Water's "Tap in" online service is available at www.sydneywater.com.au, (see Plumbing, Building & Developing and then Sydney Water "Tap in").
- (b) The Consent Authority or a Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

(10) 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.

(11) EXTERNAL WALLS OF DWELLING HOUSES - FIRE RESISTANCE

Walls, and portions of external walls located within 900mm of the side property boundaries must be protected by construction having a minimum FRL of 60/60/60, and details shall be submitted to the certifying authority prior to the issue of a Construction Certificate.

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

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

(13) TREES THAT MUST BE RETAINED

Approval is **NOT** granted for the removal of any trees from within the site. All existing trees shall be retained and protected throughout the proposed development.

(14) TREE PROTECTION DURING CONSTRUCTION

Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking and disposal of liquids must not occur within 3 metres of the trunk of any tree.

(15) TREE TRUNK PROTECTION

The Date Palm located in the front yard must be protected in accordance with the Australian Standard AS4970 Protection of Trees on Development Sites. All trees must be protected during the construction works as follows:

- (a) Tree trunk protection shall be undertaken prior to the issuing of the Construction Certificate. The protection shall be installed by a qualified Arborist with a minimum AQF level 2 and must include:

- (i) The trees trunk must be protected by wrapped hessian or similar material to limit damage;
- (ii) 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;
- (iii) Tree trunk protection is to remain in place for the duration of construction and development works, and shall be removed at the completion of the project.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(16) 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.

(17) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(18) 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.

(19) 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.

(20) NO OBSTRUCTION OF PUBLIC WAY

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

SCHEDULE 2**PRESCRIBED CONDITIONS**

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

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

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

Carried unanimously.

Speakers

Mr John Bowers addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.14.

ITEM 9.15**DEVELOPMENT APPLICATION: 7A IVY STREET DARLINGTON (D/2015/1445)**

It is resolved that:

- (A) pursuant to the provisions of Clause 4.6 of Sydney Local Environmental Plan 2012, the variation sought to Clause 4.3 Height of Buildings and Clause 4.4 Floor space ratio of the Sydney Local Environmental Plan 2012 be supported; and

- (B) consent be granted to Development Application No. D/2015/1445, 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/2015/1445 dated 8 October 2015 and the following drawings:

Drawing Number	Architect	Date
1 REV A	Nick Karahalios	09/07/2015
2 REV A	Nick Karahalios	09/07/2015
3 REV A	Nick Karahalios	09/07/2015
4 REV A	Nick Karahalios	09/07/2015
5 REV A	Nick Karahalios	09/07/2015

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The colours of the proposed additional non-habitable storey should be recessive and materials should be simply detailed.

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

(3) USE OF ADDITIONAL STOREY

The roof top addition must only be used as a storage space and must not be used as a habitable room.

SCHEDULE 1B

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

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

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

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

(5) 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).

(6) STRUCTURAL CERTIFICATION FOR PARTY WALLS

Prior to a Construction Certificate being issued, a certificate from a qualified practising structural engineer in accordance with Clause A2.2(a)(iii) of the Building Code of Australia must be submitted to the satisfaction of Council (where Council is the Certifying Authority). The Certificate must verify the structural integrity of the existing 'Party Wall(s)' as consequence of the additional loads imposed thereon by the proposal.

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

A 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).

(8) BARRICADE PERMIT

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

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(9) OCCUPATION CERTIFICATE TO BE SUBMITTED**

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

(10) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(11) COVERING OF LOADS

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

(12) 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.

(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) USE OF MOBILE CRANES

The following requirements apply:

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

SCHEDULE 2

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

Clause 98	Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
Clause 98A	Erection of signs
Clause 98B	Notification of Home Building Act 1989 requirements
Clause 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 9.16

DEVELOPMENT APPLICATION: 100 BAYSWATER ROAD RUSHCUTTERS BAY - VIBE HOTEL (D/2015/1665)

It is resolved that:

- (A) Council support the variation sought to Clause 4.4 "Floor Space Ratio" in accordance with Clause 4.6 "Exceptions to development standards" in Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/1665, 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/2015/1665 dated 18 November 2015 and the following drawings:

Drawing Number	Architect	Date
100	Environa Studio	16 November 2015
101	Environa Studio	16 November 2015
110	Environa Studio	16 November 2015
111	Environa Studio	16 November 2015
201	Environa Studio	16 November 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 APPROVAL FOR UNAUTHORISED DOOR

The door from the second level to the terrace as shown on drawing no. 201 is not approved as part of this development application. The terrace is not to be accessed by staff or patrons except for maintenance purposes.

(3) SIGN ILLUMINATION

- (a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with AS4282-1997 control of obtrusive effects of outdoor lighting.
- (b) The sign must not flash.

(4) CONTROL OF LIGHT INTO THE ENVIRONMENT

Lighting installed in the open and/or public spaces must comply with AS1158 series-lighting for roads and public spaces. The design and placement must be so that lighting does not create a nuisance or negatively affect the amenity of the surrounding neighbourhood, for that purpose lighting must comply with AS4282-1997 control of obtrusive effects of outdoor lighting.

(5) ERECTION OF SIGN

The sign is to be erected in a secure manner to ensure safety and its installation is not to involve measures that would cause irreversible damage to the building.

(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) NOISE - ENTERTAINMENT VENUES

- (a) The $L_{A10,15\text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90,15\text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The $L_{A10,15\text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90,15\text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.

- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an $L_{A10, 15 \text{ minute}}$ enters any residential use through an internal to internal transmission path is not to exceed the existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the $L_{A10, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

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

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.

(8) 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.

(9) 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.

(10) STRUCTURAL CERTIFICATION - MINOR SIGNAGE

Prior to the issue of a Construction Certificate details of the proposed method of fixing the sign/s to the building must be provided to and approved by Council (where Council is the Certifying Authority).

(11) 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.

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

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 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).

(13) 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).

(14) BARRICADE PERMIT

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

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(15) 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.

(16) 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.

(17) NO OBSTRUCTION OF PUBLIC WAY

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

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

Note: Ensure compliance with section D of the Building Code of Australia.

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

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

Carried unanimously.

ITEM 9.17

DEVELOPMENT APPLICATION: 163 VICTORIA STREET BEACONSFIELD (D/2015/1250)

It is resolved that:

- (A) Council support the variation sought to Clause 4.4 Floor Space Ratio in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/1250, 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/2015/1250 dated 01/09/2015 and the following drawings:

Drawing Number	Architect	Date
DA01/C	Alvarez Fernandez	21/12/2015
DA02/C	Alvarez Fernandez	21/12/2015
DA03/C	Alvarez Fernandez	21/12/2015
DA04/C	Alvarez Fernandez	21/12/2015

Drawing Number	Architect	Date
DA05/C	Alvarez Fernandez	21/12/2015
DA06/C	Alvarez Fernandez	21/12/2015
DA07/C	Alvarez Fernandez	21/12/2015
DA08/C	Alvarez Fernandez	21/12/2015

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The front and rear entry doors are to be configured with two panels.
- (b) The lower panels are to be capable of being opened separately to the upper panels. The upper panels may be fixed or operable.

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

(3) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below.

Car Parking Type	Number
Residential spaces (front dwelling)	1
Residential spaces (rear dwelling)	2
Total	3

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$4,569.76
Public Domain	\$2,814.71
New Open Space	\$21,931.57
New Roads	\$5,570.00
Accessibility	\$231.02
Management	\$249.79
Total	\$35,366.85

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 – 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) AIR CONDITIONERS GENERALLY

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

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park

- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring shall be fully concealed.

(6) AIR CONDITIONERS IN CLASS 1 RESIDENTIAL BUILDINGS

For Class 1 residential buildings as defined by the National Construction Code, The air conditioner/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

- (a) Emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day; or
- (b) Emit a sound pressure level that when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background ($L_{A90, 15 \text{ minute}}$) by more than 5dB(A). The source and background noise level must be measured as an $L_{Aeq 15 \text{ minute}}$ and $L_{A90 15 \text{ minute}}$ in accordance with Australian Standard AS1055:1997, Acoustics – Description and measurement of environmental noise.

(7) SWINGING DOORS OVER PUBLIC WAY

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

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.

(8) 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.

(9) 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.

(10) 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).

(11) 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.

(12) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

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

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

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

(13) 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 a Construction Certificate being issued for the relevant stage of work.

(14) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 18.4 lineal metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(15) 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.

(16) 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.

(17) CLASS 1A (DWELLING HOUSES) - BCA CONDITIONS

- (a) Smoke alarms complying with the requirements of the Building Code of Australia - Vol. 2 - Housing Provisions must be installed in the dwelling.
- (b) All damp and weatherproof provisions must comply with the requirements of the Building Code of Australia - Vol. 2 - Housing Provisions.
- (c) Minimum ceiling heights of rooms or spaces in buildings must comply with the requirements of the Building Code of Australia - Vol. 2 - Housing Provisions, in particular any attic room addition or conversions.
- (d) Natural light and ventilation must comply with the requirements of the Building Code of Australia - Vol. 2 - Housing Provisions.

(18) EXTERNAL WALLS OF DWELLING HOUSES - FIRE RESISTANCE

Walls, and portions of external walls located within 900mm of the side property boundaries must be protected by construction having a minimum FRL of 60/60/60, and details shall be submitted to the certifying authority prior to the issue of a Construction Certificate.

(19) WINDOWS OF DWELLING HOUSES - FIRE RESISTANCE

Window openings in external walls located within 900mm of the side property boundaries must be protected in accordance with the requirements of Part 3.7.1 of the BCA (Housing Provisions), and details of the method of protection are to be submitted to the certifying authority prior to the issue of a Construction Certificate.

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

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

(21) 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).

(22) 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.

(23) 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).

(24) 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.

(25) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

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

The form of the recording is to be as follows:

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

A digital based recording is to include:

- (f) CD or DVD containing the report in PDF format and the electronic images saved as JPEG, TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.

A film based recording is to include:

- (g) 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

(26) 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.

(27) 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).

(28) 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.

(29) LAND SUBDIVISION – SEPARATE DA REQUIRED

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

(30) 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.

(31) STREET TREE PROTECTION

Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.

(32) 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.

(33) 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.

(34) 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.

(35) ENVIRONMENTAL MANAGEMENT PLAN

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

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

(36) 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.

(37) 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.

(38) LAND CONTAMINATION - RETENTION OF GROUND SLABS

This consent only permits fit-out and use of ground floor. No excavation or any access to soils is approved. The existing concrete slabs and hardstand areas must all be retained and maintained in their original form.

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

(39) HAZARDOUS MATERIALS SURVEY REQUIRED

A Hazardous Materials Survey Report must be prepared by a certified occupational hygienist (Australian Institute of Occupational Hygienists) and submitted to the satisfaction of the City's Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

(40) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Assessment Report, as approved by the City's Area Planning Manager must be complied with.

Prior to Occupation Certificate, certification must be submitted to the Certifying Authority from a certified Occupational Hygienist (Australian Institute of Occupational Hygienists) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the Hazardous Material Survey Report approved by the City and that the site is safe for future occupation in accordance with the approved use.

(41) VENTILATION MINOR WORKS

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

(42) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

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

UPON COMPLETION OF THE DEVELOPMENT

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

(43) 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****(44) OCCUPATION CERTIFICATE TO BE SUBMITTED**

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

(45) 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.

(46) 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.

(47) 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.

(48) BASIX

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

(49) 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
 - (i) 8:30am to 12:00pm and 1:30pm to 4:30pm Monday to Friday
 - (ii) 9:00am to 1:00pm Saturday
 - (iii) No such works are permitted on Sundays and Public Holidays

- (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.

(50) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(51) 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.

(52) 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.

(53) 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.

(54) 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.

(55) EROSION AND SEDIMENT CONTROL

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

During the construction period:

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

(56) 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.

(57) 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.

(58) STREET NUMBERING – SINGLE DWELLINGS/MINOR DEVELOPMENT

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

(59) 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.

(60) 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.

(61) 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.

(62) USE OF MOBILE CRANES

The following requirements apply:

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

SCHEDULE 2

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

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

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

Carried unanimously.

ITEM 10 EXEMPTION FROM TENDER – MANAGEMENT OF INDOOR AQUATIC LEISURE FACILITIES (S100640.001)

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

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993, noting that, because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders to manage Ian Thorpe Aquatic Centre and Cook + Phillip Park Aquatic and Fitness Centre;
- (B) Council note the reasons why a satisfactory result would not be achieved by inviting tenders are:
 - (i) there is insufficient time to undertake a competitive tender before the contract term expires and facilities may need to be closed;
 - (ii) going to tender would not deliver a competitive process because of the limited number of leisure service providers in the market capable of managing facilities of the required size and scope;
 - (iii) the recommended contractor offers demonstrated value for money, as described in confidential Attachment A to the subject report; and
 - (iv) the revised contract structure will allow the City to complete a comprehensive review of service delivery options to determine the preferred service delivery model for the long term, including the new Gunyama Park Aquatic and Recreation Centre;
- (C) Council enter into a contract with Contractor A for the management of Ian Thorpe Aquatic Centre and Cook + Phillip Park Aquatic and Fitness Centre for a three year term for the amount set out in confidential Attachment A to the subject report;
- (D) authority be delegated to the Chief Executive Officer to negotiate and approve the terms of the contract of the management agreement with Contractor A, provided that the contract is consistent with this resolution;
- (E) Council note the financial implications detailed in confidential Attachment A to the subject report; and
- (F) Councillors be advised of the outcome of the contract negotiations through the CEO Update.

During discussion on this item, it was agreed that consideration of this matter be deferred to the end of the meeting and dealt with in closed session (see page 268).

ITEM 11 PROPOSED BIENNALE LEGACY ARTWORK PROJECT FOR THE 20TH BIENNALE OF SYDNEY (S103805)

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

It is resolved that:

- (A) Council endorse the terms and approve the acquisition of the Biennale Legacy Artwork Project proposed by Artistic Director of the 20th Biennale of Sydney, Stephanie Rosenthal, and recommended by the Public Art Advisory Panel, as detailed in confidential Attachment A to the subject report, to enter the City of Sydney's Public Art Collection as a legacy artwork following its installation as part of the 20th Biennale of Sydney;
- (B) authority be delegated to the Chief Executive Officer to enter into a public art commissioning agreement with the Biennale of Sydney based on the terms before Council for endorsement; and
- (C) Council endorse the financial implications listed at confidential Attachment B to the subject report.

Carried unanimously.

ITEM 12 1-5 FLINDERS STREET, DARLINGHURST (S112425)

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

It is resolved that Council:

- (A) note that, through its advocacy, programs, initiatives and collaboration across all sectors, it has helped cultivate a multi-faceted cycling culture that continues to grow and evolve and that the City no longer needs to be a direct facilitator; and
- (B) endorse in principle the disposal of 1-5 Flinders Street and request the Chief Executive Officer to conduct an Expression of Interest to identify suitable proponents to acquire, refurbish and use the property at 1-5 Flinders Street consistent with City's objectives of urban renewal and report back to Council on the outcomes of this process and recommendations.

The motion was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Doutney, Forster, Green, Kok, Mandla, Mant and Vithoukias.

Noes (1) Councillor Scott.

Motion carried.

Adjournment

At this stage of the meeting, at 8.28pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately 10 minutes.

Carried.

At the resumption of the meeting of Council, at 8.43 pm, those present were –

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

QUESTIONS ON NOTICE**BELMORE PARK (\$103148)**

1. By Councillor Forster

Question

It was reported in the media in January that private security guards had been contracted to patrol Belmore Park at a cost of \$185,000.

Why were Councillors not informed, by resolution of Council, via the CEO Update or any other means, of plans to employ the guards?

Answer by the Lord Mayor

Please refer to my answer to Question on Notice No. 32.

ASYLUM SEEKERS (\$103146)

2. By Councillor Doutney

Question

Regarding the situation of asylum seekers in the City of Sydney LGA:

1. What free or subsidised services are currently available?
2. What identification do asylum seekers need to be granted access to these services?

Answer by the Lord Mayor

Refugees and asylum seekers can access many of the City's facilities and services free of charge or at a concessional rate, as follows:

- The City's Library branches offer free annual Library membership under a special Temporary Membership category, which allows a borrowing limit of five items for three weeks, and access to all Library facilities. This membership category also applies to people who are homeless or are residents of refugees.
- Refugees and asylum seekers may attend any of the City's Community Centres and participate in the free and low cost programs and activities held there, in the same way as City residents, workers and visitors do.
- The Juanita Nielsen Gym Outreach Program is a community partnership program, for which there are no fees payable by participants. Local community agencies working with vulnerable community members may apply to participate in the Outreach Program, and can then refer their clients to attend the gym for up to 20 visits, over 6 months, free of charge. Current Community Partners for this program include Asylum Seekers Centre, Newtown and Rough Edges, Darlinghurst who work with homeless people.

- Under the City's contracts aquatic centre operators must work with the City to develop programming that promotes social inclusion for a range of target groups that includes refugees and asylum seekers. This has included distribution of 2 for 1 swim passes to refugee and asylum seeker organisations.
- Refugees and asylum seekers, who otherwise meet the eligibility criteria for the City's Meals on Wheels service, can receive low cost meals, and may apply under the standard hardship criteria for a fee waiver.

For Library membership, proof of name only is required for a temporary membership. Identification, in the form of an ImmiCard or the Centrelink Status Resolution Support Services (SRSS) Program client card, is used to access the City's Community Centre activities and Meals on Wheels.

For all other services, no identification is required, as is the case when other members of the public wish to use City services.

SOCIAL HOUSING WELLBEING AND SAFETY ACTION PLAN (S103146)

3. By Councillor Doutney

Question

Can the Council be updated on any progress on the City's Social Housing Wellbeing and Safety Action Plan? When is this plan due to be completed?

Could Council also be updated on any subsequent actions the City has taken to address issues raised in the Housing Issues Paper since its release in April 2015?

Answer by the Lord Mayor

An update on the City's Social Housing Wellbeing and Safety Action Plan has been included in the Relevant To for Agenda Item 6.2 – 2015/16 Quarter 2 Review.

A separate update on the Housing Issues Paper and actions undertaken subsequent to its public exhibition will be provided to Councillors by CEO Update.

COOL ROADS (CHIPPENDALE PALE PAVEMENT TRIAL) (S103148)

4. By Councillor Forster

Question

The City of Sydney is currently trialling pale pavement in Myrtle Street, between Abercrombie and Smithers Streets, in Chippendale, as part of an investigation into ways of reducing temperatures in urban environments.

Lighter-coloured surfaces do not generally absorb as much light, or retain as much heat as dark surfaces and therefore have the potential to reduce urban temperatures, resulting in lower energy consumption by surrounding buildings, as well as improving road strength.

1. What is the status of the pale pavement trial in Chippendale and when is it due to be completed?
2. Are there plans to extend the trial to other areas in the LGA?
3. To date, how much money in total has the City spent on the pale pavement trial in Chippendale?
4. Could you please provide a detailed breakdown of the spending to date on the Chippendale pale pavement trial, including the amounts spent on public consultation; installation of temperature monitoring equipment; installation of pale pavement and other surfaces; data gathering and analysis of trial results?

Answer by the Lord Mayor

1. The City installed weather monitoring devices that have recorded temperature and humidity at 15 minute intervals since 2012 at the following locations:
 - Buckland Street, Chippendale
 - Myrtle Street Chippendale
 - Wells Street, Redfern

In June 2014, the City installed a pale road pavement near the monitoring device at Myrtle Street, Chippendale, between Abercrombie Street and Smithers Street.

The trial will provide a comparison of the temperature between regular dark coloured asphalt and the pale pavement over a three year trial period. The trial period will allow the City to assess the durability of the pale pavement.

Research into the effectiveness of the pale road pavement is also been undertaken by students from the University of Technology.

The trial is due to be completed in June 2017.

2. Expansion of pale pavements to other areas in the LGA will depend on the outcomes of the trial and future decisions of Council. The cost of the pale pavement used in the trial was 49% higher than regular asphalt used to resurface the City's roads. At the end of the trial, the benefits to the environment will be considered against the additional cost to install pale road surfaces.
3. The cost of the pale pavement trial to date, including the installation of the weather monitoring devices, is \$122,864.
4. The cost for community consultation, which included a letter to surrounding residents and the development of a web page providing information for the community, was \$5,400.

The fixed cost to install all three monitoring devices was \$29,396. The cost to retrieve the data from all three measuring devices since the installation is \$8,457.

The cost to install the pale road pavement at Myrtle Street Chippendale was \$79,611.

All costs are exclusive of GST.

ANZAC PARADE TREE REMOVAL (S103148)

5. By Councillor Forster

Question

Of the 112 Moreton Bay Figs identified along the CBD and South East Light Rail route, only 19 have been removed or are scheduled for removal as part of the construction works, with another 12 being investigated for relocation. Almost three-quarters (81 of the 112) will remain standing for current and future generations to enjoy.

What is the Lord Mayor's position on the removal and scheduled removal of these 19 trees?

Answer by the Lord Mayor

While I strongly support the light rail project, the large number of trees being removed along the route is extremely distressing, particularly historic trees with environmental and heritage significance. The unnecessary loss of trees is jeopardising support for this important project.

On 25 January 2016 I wrote to the Minister for Transport, the Hon Andrew Constance MP, and urged him to urgently intervene to prevent the further destruction of significant mature Moreton Bay Figs in Moore Park. I also called on him to conduct an urgent review of tree loss along the light rail route to identify ways in which tree removal can be avoided and further minimised. I will continue to advocate for this.

WESTCONNEX (S103148)

6. By Councillor Forster

Question

To date, how much in total has Council spent on its media and direct mailing campaign against WestConnex? Please provide details of the cost of facilitating public rallies in Town Hall and elsewhere, direct distribution and mailing of materials, production of brochures, including newsletters from the Lord Mayor and Council which criticise the WestConnex project.

Answer by the Lord Mayor

Spend on printing and distribution of flyers within the LGA in 2014-15 financial year was \$26,184, which includes the costs of promoting the public rally in Town Hall. Spend for printing and distribution in current financial year is \$13,100.

ACCELERATION OF CITY PROJECTS AND PROGRAMS (S103142)

7. By Councillor Scott

Question

In a letter to the editor, published in The Sydney Morning Herald on 27 January 2016, the Lord Mayor wrote that the City's "ongoing work can be accelerated" as a result of the State Government confirming that no amalgamation will go ahead for the City of Sydney Council.

Will any projects or programs be accelerated?

If so, which of the City's projects and programs will be accelerated?

What was the original time frame for the delivery of these projects and programs?

What is the new time frame for the delivery of these accelerated projects and programs?

What are the budgetary impacts of this announcement?

Answer by the Lord Mayor

Now that the NSW Government has confirmed the City of Sydney will not be considered for amalgamation, City staff can focus once again on the delivery of our projects and programs for our community. The timeframe for the delivery of these projects and programs will be reviewed as part of the annual development of the draft Delivery Program and Operational Plan which will be considered by Council in coming months.

CITY PROJECTS OVER THE NEXT 10 YEARS (S103142)

8. By Councillor Scott

Question

In a letter to the editor, published in The Daily Telegraph on 23 January 2016, the Lord Mayor wrote that there are "370 projects in the pipeline over the next 10 years".

Can the Lord Mayor provide a detailed list of each project over the next 10 years, with a table to include the expected completion date of each project and the budget allocation?

Answer by the Lord Mayor

The Long Term Financial Plan provides specific funding for projects and programs that have reached key milestones in strategic planning and delivery and the allocation of funding in future years for planned projects and programs which are yet to be detailed. As projects and programs are progressed, they are included in the more detailed Delivery Program and Operational Plan which are considered by Council annually.

PROTECTION OF HERITAGE IN MILLERS POINT (S103142)

9. By Councillor Scott

Question

What are Council's processes for ensuring compliance with Conservation Management Plans?

How many inspections or other actions have been undertaken in Millers Point to enforce compliance with Conservation Management Plans since 2012?

In light of the judgement made in Council of the City of Sydney v Adams [2015] NSWLEC 206, have these processes to enforce compliance with Conservation Management Plans been reviewed?

In light of the judgement made in Council of the City of Sydney v Adams [2015] NSWLEC 206, have the number of inspections to enforce compliance with Conservation Management Plans been increased?

Answer by the Lord Mayor

Council planners and heritage specialists refer to a building's Conservation Management Plan (CMP) when assessing development applications for works proposed for that building. Works are to comply with the letter and/or intent of the CMP. In the case of Millers Point, all heritage items disposed of by Housing NSW to date have had CMPs prepared for them.

Once development consent and a construction certificate are issued for the heritage item, there is little opportunity for Council's officers to inspect the site during the works, as compliance with the conditions of consent is the responsibility of the building certifier. In many cases, the certifier is a private sector certifier.

There is no power for Council's officers to make pre-emptive inspections of buildings to ensure compliance with CMPs, unless there is a reasonable suspicion that unauthorised works have been carried out. Once we receive a report of unauthorised works, our rangers and Health and Building officers inspect the site and issue stop work orders and other orders as appropriate. Health and Building officers liaise with the heritage specialists in the Planning Assessment Unit when drafting compliance orders.

As Millers Point is also listed on the State Heritage Register, the NSW Heritage Council has a key role in the endorsement and implementation of CMPs. All City of Sydney planning decisions/orders in relation to heritage places require the concurrence of NSW Heritage Council under the Heritage Act.

In addition to site inspections by planners and heritage specialists related to the assessment of individual development applications, inspections have taken place in response to reports of unauthorised works. A search of Council's records indicates that inspections and actions related to unauthorised works have been carried out on at least six properties in Millers Point since 2012. These included the inspections and actions related to 20 Argyle Street, the subject of City of Sydney v Adams.

The EP&A Act does not give Council the authority to conduct pre-emptive internal inspections.

JOHNSTONS CREEK PARKLANDS MASTERPLAN (S103142)

10. By Councillor Scott

Question

How many future capital works projects are contained within the Johnstons Creek Parklands Masterplan?

When are the capital works projects contained within the Johnstons Creek Parklands Masterplan due to be completed?

Broken down by financial year, what budget allocations have been set aside for each capital works project within the Johnstons Creek Parklands Masterplan over the next 10 years?

Answer by the Lord Mayor

I refer Councillor Scott to my answer to Question on Notice No. 9 on 18 May 2015.

http://www.cityofsydney.nsw.gov.au/__data/assets/pdf_file/0019/233902/150518_COUNCIL_ITEM11.pdf

110-122 OXFORD STREET, DARLINGHURST (S103142)

11. By Councillor Scott

Question

The City owns 110-122 Oxford Street, Darlinghurst.

What was the historical use of this property?

Are any works currently being conducted on this property? If so, what is the nature of these works? What is the cost?

What is the City's plan for future uses of this property?

By financial year, what is the income earned from this property?

Answer by the Lord Mayor

110-122 Oxford Street, Darlinghurst consists of ground floor tenancies with basements fronting Foley Street and two upper levels. The historical use of the building these floors:

- The ground floor has historically been used for retail such as take away food and fashion.
- Level 1 and Level 2 were historically used for office space, a dance studio and fourteen studio residential apartments.

There are currently no capital works being undertaken on this property. However, Request for Quotes are currently being obtained for the replacement of a roof membrane over the section of the building at 110 Oxford Street.

On 27 June 2011, the Lord Mayor presented a Minute proposing new directions for lower Oxford Street. On 22 August 2011, Council endorsed a Memorandum from the Chief Executive Officer to undertake a number of short, medium and long term (5-10 years) initiatives to activate lower Oxford Street.

A feasibility study was completed in November 2013 which assessed the viability and cost of converting the upper floors of 118–122 Oxford Street into 14 self-contained artist live/work apartments, and converting Levels 1 and 2 and the basements of 110 and 112-116 Oxford Street into artists' work and creative incubator spaces. This initiative was developed with specific regard to Sustainable Sydney 2030 and the effective implementation of the Oxford Street Cultural Quarter Action Plan.

Income derived from 110-122 Oxford Street, Darlinghurst for the financial year ending 2015 was \$187,859.

RIDESHARING (S103142)

12. By Councillor Scott

Question

On 17 December 2015, the NSW State Government announced its decision to regulate ridesharing throughout NSW.

In light of this announcement, what actions has and will the City undertake to review the *Central Sydney On-Street Parking Policy* with a view to engage stakeholders in the ridesharing sector?

Answer by the Lord Mayor

As is usual administrative practice, if amendments are required to any existing City policies to accommodate regulatory changes, Councillors will be advised.

With regard to ridesharing, City staff have held discussions with at least one ridesharing service provider. All private vehicles enjoy the same rights under the Road Rules to pick up and set down passengers in appropriate locations, such as loading zones, ticket parking areas and No Parking zones. No amendment to the Policy is necessary to accommodate this activity, and existing signage can be modified as required by the City's traffic committee, in consultation with the CBD Coordination Office.

WATERLOO GREEN CYCLEWAY (S103142)

13. By Councillor Scott

Question

The City has installed a cycleway which directs cyclists through the Waterloo Green.

Is the City aware of any risks to the safety of pedestrians and cyclists posed by the cycleway through the Waterloo Green?

Have any accidents been reported to the City, or to the NSW Police? If so, how many and of what nature?

Has the City sought to, or taken any action to improve safety for pedestrians and cyclists at the Waterloo Green?

If the City has sought to or taken actions to improve safety, what has been the nature of these improvements?

What advice, if any, has the City provided to the Council's insurer on this matter?

If advice has been provided to the Council's insurer, has the City received a response?

Answer by the Lord Mayor

The City undertook a comprehensive behavioural study of people walking and riding on the path through Waterloo Green. The findings of the study were:

- almost all interactions between bicycle riders and pedestrians appeared amicable;
- there was no objective evidence of the risk of conflict between riders and pedestrians;
- the perception of risk in itself is sufficient reason to seek to address excessive speeds; and
- it would be undesirable to create a barrier through a separated cycleway in the centre of the park.

No accidents have been reported to NSW Police or to the City (since 1 January 2010).

The design incorporated the recommendations from the behavioural study to address safety concerns with measures to manage speed and behaviour, including path alignment, gateway treatments, path texture changes and signage.

No advice has been provided to the Council's insurer.

CORE BUSINESS OF COUNCIL (S103142)

14. By Councillor Scott

Question

In a media release published by the City of Sydney on 27 February 2015 (City's latest street count numbers), it was stated that "social and affordable housing are the responsibility of state and federal governments".

In an article published in The Sydney Morning Herald on 11 February 2016, it was stated that "Cr Moore said the City of Sydney had opened up six after-school programs despite not being the council's core responsibility".

Lord Mayor, what is the core business of Council?

Answer by the Lord Mayor

The core business of Council is set out in the *Local Government Act 1993*, including Chapter 3 (The Council's Charter), Chapter 5 (The Council's functions) and Chapter 6 (The Council's service functions).

ARTWORK AT TAYLOR SQUARE (S103142)

15. By Councillor Scott

Question

On 24 February 2014, Council endorsed the installation of a permanent artwork in Taylor Square to mark the 40th anniversary of the Sydney Gay and Lesbian Mardi Gras in 2018.

How much was budgeted, broken down by financial year, in the 2013/2014, 2014/2015, and 2015/2016 City of Sydney Budgets for this artwork?

In the long term financial plan for 2016/17 and 2017/18, how much has been allocated to this work?

By financial year, how much is projected to be spent on this artwork in future budgets?

Answer by the Lord Mayor

\$700,000 has been budgeted for the installation of a permanent artwork in Taylor Square and is identified in the Long Term Financial Plan up until 2018.

TRAFFIC MANAGEMENT PLAN, ROSEBERY (S103142)

16. By Councillor Scott

Question

When did the City of Sydney last prepare or commission a traffic management plan for the suburb of Rosebery?

Can Councillors please be provided with a copy of the latest traffic management plan for Rosebery?

Answer by the Lord Mayor

The City has not prepared or commissioned a Traffic Management Plan for the wider suburb of Rosebery.

In November 2013, the City commissioned GHD to undertake a Traffic and Transport Study for the North Rosebery Precinct. The study was commissioned to inform the review of planning controls for the precinct the City was in the process of developing at the time. The precinct is generally bound by Epsom Road, Dalmeny Avenue, Kimberley Grove and Rothschild Avenue.

The Traffic and Transport Study assesses the potential impact of future development on a number of intersections within and adjacent to the precinct. It identifies what traffic and transport management measures may need to be implemented to support anticipated growth as it occurs.

LIVE MUSIC AND PERFORMANCE ACTION PLAN (S103142)

17. By Councillor Scott

Question

On 7 April 2014, Council adopted the Live Music and Performance Action Plan.

Since its adoption, how many and which of the recommendations contained within the Live Music and Performance Action Plan have been successfully actioned to completion?

To date, how many and which of the recommendations contained within the Live Music and Performance Action Plan are in-progress?

To date, how many and which of the recommendations contained within the Live Music and Performance Action Plan are yet to be commenced?

Broken down by financial year, what are the past and future budget allocations for the Live Music and Performance Action Plan?

When will the recommendation 4.6.2 be implemented, and made available for use?

What is the reason for the delay in implementation of recommendation 4.6.2?

Does Roads and Maritime Services have any jurisdiction in the implementation of recommendation 4.6.2?

Answer by the Lord Mayor

As agreed at the meeting of the Cultural and Community Committee on 22 February 2016, this information will be provided to Councillors via CEO Update.

FLOODPLAIN RISK MANAGEMENT (S103142)

18. By Councillor Scott

Question

In the Woolloomooloo Catchment Floodplain Risk Management Draft Plan, it is noted that \$2.5 million be set aside for further investigation and then capital works based on this further investigation for the enhancement of the kerb/gutter of Victoria Street.

Have any other projects for specific investigation and capital works been identified in other floodplain risk management plans been budgeted for investigation, design or completion works?

If so, please detail which projects and in which year.

Moving forward, what will be the process for deciding how the actions identified in the various Floodplain Risk Management Studies will be prioritised and funded?

Answer by the Lord Mayor

The City has eight Floodplain Risk Management Plans. At present, three of these Plans have been adopted by Council and the last five are expected to be adopted in 2016. Flood Risk Management Plans must be prepared in keeping with the NSW Government Floodplain Risk Management Manual, and they often include structural flood mitigation measures. These structural measures are prioritised as either short, medium or long term based on a multi-criteria assessment. Upon adoption of all the Floodplain Risk Management Plans, a Floodplain Implementation Plan must then be prepared. Short term priority projects are then incorporated into the City's Long Term Financial Plan for completion within the subsequent 10 years.

There are 31 short, medium or long term structural mitigation projects proposed within all of the City's Floodplain Risk Management Plans. The following short term projects are expected to be completed within the next 10 years:

- Green Square Stormwater Drain (Currently under construction)
- Joynton Avenue Stormwater Improvements
- Shea's Creek Flood Walls
- Pipe Upgrade from Macdonald Street and Coulson Street to the Alexandra Canal
- Bridge Raising At Johnsons Creek

The actual timing of works is dependent upon the adoption of Flood Risk Management Plans by Council, further investigations, funding and associated approvals.

GREEN SQUARE AQUATIC CENTRE (S103142)

19. By Councillor Scott

Question

How many scoping, design, or other studies have been completed in relation to the Southern Area Aquatic Facility and the Green Square Aquatic Centre? Please list each study, the year it was published, and the cost for each.

Given the current diagrams for the Green Square Aquatic Centre do not include a fence, and that the Royal Life Saving Society NSW has advised of their concerns about the supervisory requirements of the pool, leisure beach area, and the unconventional shape of the facility, can Councillors please be provided with updated plans to show where the pool fence will be located?

Answer by the Lord Mayor

Information on this matter has been provided to Councillors by way of a Relevant To for Agenda Item 7.6 - Scoping – Gunyama Park and Green Square Aquatic Centre, Zetland.

GREEN SQUARE PLAZA (S103142)

20. By Councillor Scott

Question

What percentage of time will be allocated for commercial use in the new Green Square Plaza?

What percentage will be reserved for public use in the new Green Square Plaza?

Will the temporary installation of amusement rides be considered a valid use in Green Square Plaza if all conditions are met?

Answer by the Lord Mayor

If approved by Council on 29 February 2016, a development application will be lodged for Green Square Plaza Events. Attached to that report is a Statement of Environmental Effects which includes an Event Management Plan together with guidelines and other appendices. This documentation may be subject to review following Plaza completion.

CLEANING STAFF (S103142)

21. By Councillor Scott

Question

As per the Council briefing on the 2015/2016 Quarter 2 Review of the Delivery Program 2014-2017, please detail the savings, and from which company or companies, the City has made with contractors that conduct cleaning services for Council.

Answer by the Lord Mayor

The 2015/2016 budgets were set prior to appointing The City's incumbent cleaning company, Quad Services Pty Ltd. Expenditure year to 31 December 2015 was \$2,092,666 against budget of \$3,119,184, reflecting a favourable variance of \$1,026,518.

CITY FARM (S103142)

22. By Councillor Scott

Question

When will the City Farm be complete and operational?

Answer by the Lord Mayor

This matter was addressed at the meeting of the Environment Committee held on 22 February 2016. Additional information has also been provided to Councillors by way of a Relevant To.

SOLAR PANELS (S103142)

23. By Councillor Scott

Question

For each City of Sydney building, when will the installation of solar panels be completed?

Answer by the Lord Mayor

This matter was addressed at the meeting of the Corporate, Finance, Properties and Tenders Committee held on 22 February 2016.

CITY OF SYDNEY HOMELESSNESS UNIT (S103141)

24. By Councillor Mandla

Question

The City of Sydney states on its website that “The City of Sydney Homelessness Unit operates seven days a week to reduce homelessness and its impact in Sydney”.

1. Does the City of Sydney Homelessness Unit operate seven days a week?
2. If so, who operates the unit seven days a week and what are the hours that it operates?
3. What functions does it perform during what hours of the day and on what day?
4. Where does the City of Sydney Homelessness Unit operate from during the week and weekends?
5. Is the City of Sydney Homelessness Unit contactable outside of business hours?
6. Is it contactable other than via email?
7. Why does the City of Sydney think email is the most convenient way to stay in contact with homeless people?
8. Does The City of Sydney Homelessness Unit operate adequately seven days a week to reduce homelessness and make sure those who do become homeless are assisted out of homelessness quickly?
9. If not, should the City of Sydney ensure changes are made to the Homelessness Unit to ensure adequate services and access to services are implemented seven days a week?
10. Will the City of Sydney make changes to the operation of the City of Sydney Homelessness Unit to ensure adequate services and access to services are implemented seven days a week?
11. What performance indicators are maintained?
12. Are we succeeding in reducing the incidence of homelessness?

Answer by the Lord Mayor

Housing and homelessness are the responsibility of the Federal and State Governments.

The City of Sydney has a responsibility to manage the public domain and maintain the amenity of public spaces.

The City of Sydney is the only council in NSW with a dedicated Homelessness Unit. The City spends \$2.2M annually to reduce homelessness and its impacts in Sydney LGA.

The function of the Homelessness Unit is to respond to homelessness, particularly rough sleeping, and its impacts in Sydney. This involves facilitating collaborative interventions in hot spot areas, coordinating services, linking people experiencing homelessness with services, and increasing safety for rough sleepers, eg, regular clean-ups and severe weather response.

The City employs four Public Space Liaison Officers who work across seven days. The Officers typically work eight shifts per week; this includes weekdays from 6.30am- 3pm, one evening shift from 2-10pm and weekend shifts from 6.30-11.30am.

The Officers engage with over 70 people sleeping rough across the LGA every day. They build professional relationships and trust with rough sleepers, identifying the individual needs of those on the street and linking them with support services to exit homelessness. The Officers also engage with local residents and businesses to resolve problems and increase understanding of homelessness, thus preventing issues from escalating.

The Public Space Liaison Officers perform regular clean-ups and negotiate the fair use of public space with people sleeping rough to manage amenity issues, such as build-up of belongings, food waste, disposal of sharps, urination and defecation in public.

NON-RESIDENTIAL REGISTER AND ROLLS (S103141)

25. By Councillor Mandla

Question

The City of Sydney Amendment (Elections) Act 2014 commenced on 6 February 2015 and imposes obligations on the City's Chief Executive Officer (CEO) to create and maintain a register and rolls of eligible non-residential voters.

On 10 August 2015, Council endorsed a Methodology and Program Plan to deliver the Non-residential Register and Rolls.

Stage 3 of the Methodology and Program Plan consists of requirements that ensure the City directly contacts all occupiers of business-rated rateable property to inform them about their new obligations and rights for non-residential enrolment and voting.

Could the Lord Mayor please answer:

1. How many people are now registered on the business roll?
2. What does the City project the final number of registered voters to be?

Answer by the Lord Mayor

The Chief Executive Officer is responsible for the preparation of the non-residential register and rolls. The CEO will provide updates as previously advised.

STREET SWEEPING (S103141)

26. By Councillor Mandla

Question

On 10 February 2016, a business owner on Redfern Street was sweeping the rubbish and debris not attended to by the City from the path of his shopfront. He claims he was approached by a City of Sydney Ranger and told that you “cannot sweep your rubbish into the street!”.

1. Are shop keepers allowed to sweep the street in front of their stores?
2. Does the City of Sydney clean the footpaths and streets of Redfern, particularly Redfern Street?
3. In what manner is the City of Sydney cleaning the streets of Redfern, particularly Redfern Street? Please detail frequency and method.

Answer by the Lord Mayor

Shopkeepers are allowed to sweep the footpaths in front of their stores, provided they dispose of any debris. If debris is swept into the gutter, it may enter the stormwater system causing pollution, which is an offence.

Redfern Street is manually swept on a daily basis.

WARFIELD ENQUIRY – GIPA REQUEST AND FOI MEASURES (S103141)

27. By Councillor Mandla

Question

The NSW Information and Privacy Commissioner recently decided that Council was wrong to request \$195 to process a local resident’s request under the Government Information Public Access Act (GIPA Act) in relation to the Warfield Enquiry.

The IPC report was dated 09 December 2015, file reference: IPC15/R000191.

1. Do you agree with the NSW finding that the original GIPA request wasn’t dealt with properly?
2. If so, why was the original GIPA request not dealt with properly?
3. Why did Council decide not to release information about the Warfield Enquiry without charge?

4. What council FOI measures have now been put in place to ensure the same problems do not recur?
5. If none have been introduced, should Council implement FOI measures to ensure the same problems do not recur?
6. Is this the first FOI request that has not been dealt with properly?
7. If not, how many other FOI requests have been wrongly dealt with?
8. What measures are being taken to rectify those incorrect decisions retrospectively and inform people affected of their rights?

Answer by the Lord Mayor

Council's Fees and Charges allow for the charging of application fees and processing charges in accordance with the Government Information Public Access Act. The fees charged are set by the Act.

City staff assess formal access applications in accordance with the Government Information Public Access Act and give careful consideration to any recommendations received from the Information Commissioner.

PUBLIC ART (S103141)

28. By Councillor Mandla

Question

In 2014, three pieces of public art were put forward to Council, including the Cloud Arch.

Could the Lord Mayor please answer:

1. Has the planning of the Cloud Arch come any further since 2014?
2. If so, what has been done?
3. The intention was to have the DA lodged by the end of 2015, has this intention changed?
4. If so, what is the time period it will presumably be lodged by?

Answer by the Lord Mayor

Work continues on the implementation of the Cloud Arch and a development application will be lodged when ready.

MARTIN PLACE SMOKE FREE TRIAL (S103141)

29. By Councillor Mandla

Question

On Monday 11 May, the City of Sydney introduced a smoke-free trial in Martin Place for 12 months.

Could the Lord Mayor please answer:

1. Since the introduction of the smoke-free trial, how many smoking infringements have been issued?
2. How many of the smoking infringements have been paid?

Answer by the Lord Mayor

No smoking infringements have been issued.

ST JAMES PARK PLAQUE (S103141)

30. By Councillor Mandla

Question

St James Park in Glebe has recently been refurbished by the City of Sydney and was re-opened on 16 May 2015. Before refurbishment, there was a plaque in the park that said that the land for the park had been originally donated by the St James Church. Since the park re-opened, this plaque is no longer in the park.

Could the Lord Mayor please answer:

1. Why was the plaque removed from the park?
2. Where is the plaque now?
3. Does the City of Sydney plan to replace the plaque, either with the original or with a new one?

Answer by the Lord Mayor

Prior to commencement of refurbishment works, the plaque was removed and placed in storage for safety. The plaque is undergoing cleaning and restoration. Once the restoration has taken place, it will be reinstalled near the original position at St James Park. It is anticipated this installation will take place in April.

TRANSFER AND EXPANSION OF BALLARAT PARK (S103141)

31. By Councillor Mandla

Question

The Ballarat Park Community Campaign is an initiative established by local residents, businesses and workers in Pyrmont. It calls on the City of Sydney and NSW State Government to expand Ballarat Park by more than 60% by removing the streets adjacent to the park.

Ballarat Park was under the authority of the NSW State Government through the Sydney Harbour Foreshore Authority. Recently, the State Government dissolved the SHFA and is currently finalising the transfer of authority over Ballarat Park to the Property NSW portfolio.

The NSW Government has also outlined an intention to consult with stakeholders and the City of Sydney during the transition period where the transfer of authority over property (including Ballarat Park) is worked out.

1. Has The City made any enquiries or proposed any course of conduct with the State Government in regards to the transfer of land since the dissolution of SHFA?
2. If not, does The City intend to make any enquiries or undertake any course of conduct with the State Government in regards to the transfer of Ballarat Park to the City of Sydney?
3. Would the City of Sydney welcome the transfer of authority over Ballarat Park to The City?
4. What process would this involve?
5. If the City does welcome the transfer of Ballarat Park, will they communicate this with the NSW State Government during the NSW Government's liaisons with stakeholders?
6. The local resident campaign to expand Ballarat Park proposes removing the streets directly adjacent to the park and replacing them with green infrastructure to expand the park. Would the City of Sydney agree that the local resident campaign to expand Ballarat Park falls within The City's Sydney 2030 strategy and Greening Sydney Plan?
7. Would the City of Sydney consider other examples of similar rejuvenations by Melbourne City Council including Errol Street Park and Yarra City Council including Peel Street Park, Oxford Street Park and Richmond Terrace Park as evidence to support success of the expansion?
8. Will the City of Sydney carry out the expansion of Ballarat Park if the NSW State Government subsequently transferred authority over Ballarat Park to The City?
9. If so, when will The City complete the expansion?

Answer by the Lord Mayor

The City has met with Government Property NSW about the potential transfer of assets held by the Sydney Harbour Foreshore Authority to the City, the subject of previous reports to Council. Any proposed transfers would need to be reported to Council and would be considered by Council then.

BELMORE PARK SECURITY OPERATION (S103141)

32. By Councillor Mandla

Question

It has come to the attention of Councillors via the media that the security guards operated under a contract commissioned by the City of Sydney at Belmore Park.

The security guards were procured by the City of Sydney to operate 24/7 to monitor the activities of the homeless population occupying the park.

The huge costs of this operation have been noted by the media and yet The Lord Mayor has not to date provided adequate information to Councillors regarding the operation of these security guards at Belmore Park.

1. Were Councillors informed about this operation prior to the commission of security guards operating under a contract with the City of Sydney?
2. Why were Councillors not notified about the deployment of security guards at Belmore Park?
3. Did the City of Sydney tender for the security contract to patrol Belmore Park?
4. Under what tender has the City of Sydney procured the security guards at Belmore Park?
5. What budget has been used by the City of Sydney to fund the Belmore Park security contract?
6. What is the total amount that has been spent on the Belmore Park security guards?
7. Does the City of Sydney consider Belmore Park unsafe, particularly at night?
8. What steps has the Lord Mayor taken to inform the public of the dangers?
9. What are the exact rules of engagement, job duties and review processes for the security guards?
10. Has there been a count of the people staying in Belmore Park?
11. If so, how many people are staying in Belmore Park?
12. What is the breakdown of the types of people staying in the park? E.g. actual homeless people, visa over stayers, backpackers, people running from the law (warrant and probation issues), drug users and drug dealers?

13. A no camping sign has been erected in Belmore Park: when was this sign erected, how long has it been in place and why did the City erect this sign?
14. Is the \$2.5 Million dollar Blue Milk Crate Public Art being deferred until Belmore Park is declared safe and free from campers?
15. Should the \$2.5 Million dollar Blue Milk Crate Public Art be deferred until Belmore Park is declared safe and free from campers?
16. Should the \$2.5 Million dollar Blue Milk Crate Public Art be cancelled and the funds used to house the homeless from Belmore Park?

Answer by the Lord Mayor

NSW Family and Community Services (FACS), the NSW Police and the City of Sydney are working in partnership to reduce homelessness in Belmore Park and increase safety for all park users. Councillors were briefed on this partnership in July 2015.

The partnership has been in place for over 12 months and involves daily visits from specialist homelessness services, increased Police patrols and a weekly coordinated outreach team made up of FACS staff, specialist homelessness services, City staff, specialist Aboriginal services and health services.

The partnership group has engaged over 350 people in Belmore Park since last year. Of those:

- 119 have been supported to access safe accommodation;
- 34 have been housed permanently;
- 30 have been supported to reconnect with family;
- 56 people have been supported to access temporary accommodation; and
- 49 people have been supported to have their health needs met, including mental health and substance abuse support.

The City, in partnership with NSW State Government, is balancing support for vulnerable people with fair use of the public domain for the safety of all park users. Security has been installed on a trial basis in Belmore Park to increase safety for everyone, following concerns raised by NSW Police, non-government services, residents and people sleeping rough in the park. Concerns were raised following incidents including active drug use, presence of minors, and frequent reports of assault, stealing and harassment.

Security is also present to advise newly-arriving rough sleepers that camping in the park is illegal and that new tents and other structures are not permitted. They are also providing contact numbers for the state-wide Link2Home Service, which helps rough sleepers access accommodation and support. Security services are operating in conjunction with intensive support efforts to exit people from homelessness, outlined above.

Security staff operating in Belmore Park have made the area safer and prevented new tents from being set up. Security proactively report criminal activity to Police, preventing escalating issues. Incidents of anti-social behaviour have decreased.

As of 21 February, \$210,000 has been spent on security. These costs are being covered by the City Life budget, and CEO contingency funds will be sought if needed. Security is in place under a current City of Sydney contract for general security services.

There are currently eight tents and 16 people sleeping in the park.

PRIVACY COMMISSIONER RECOMMENDATION REGARDING THE WARFIELD REPORT (S103141)

33. By Councillor Mandla

Question

Recently, I have been informed that the Information and Privacy Commission will be referring a recommendation regarding access to the Warfield Report to the City of Sydney.

1. Will Councillors be informed of the Privacy Commissioner recommendation on the Warfield Report?
2. Can Councillors be assured that the City of Sydney will swiftly implement the recommendation of the Information and Privacy Commissioner in regard to the Warfield Report?
3. Following the recommendation of the Information and Privacy Commissioner, will the City of Sydney review any decisions made under delegated authority of the Principal Officer of Council (the CEO) concerning access to the Warfield Report?

Answer by the Lord Mayor

The City only recently received recommendations from the Information Commissioner regarding access to the Warfield Report. City staff are carefully considering the recommendations made by the Information Commissioner, as is the usual course of action.

SAFEWORK NSW ENQUIRY (S103141)

34. By Councillor Mandla

Question

Recently, Councillors received an email from a member of staff in the Rangers' Unit that raised serious allegations concerning bullying by two senior members of staff. The employee who wrote this email said that they had been on suspension since 2015.

1. Has SafeWork NSW recently spoken with the City of Sydney regarding this matter or a similar matter?
2. Has SafeWork NSW been fully informed of this employee's concerns regarding bullying when they conducted their recent enquiry, whether it was for this matter or a similar matter?

Answer by the Lord Mayor

The City co-operates with any requests from SafeWork NSW.

2016 ANZAC DAY PARADE (S103147)

35. By Councillor Vithoukas

Question

Has the City been involved in discussions about the proposed route for the 2016 ANZAC Day Parade?

When will the decision be made and announced?

Answer by the Lord Mayor

The City of Sydney has been involved in discussions about the proposed route for the 2016 ANZAC Day Parade. The announcement about that route is a matter for the NSW Government and RSL NSW.

COUNCIL RECYCLING (S103147)

36. By Councillor Vithoukas

Question

It is reported on the City of Sydney website that:

“Sydneyiders recycled 20 tonnes of electronic waste in six hours at the City of Sydney’s latest e-waste collection day, helping keep unwanted household items out of landfill.

The popular quarterly event attracted 549 individual e-waste drop-offs with tall stacks of TVs, computers and printers collected alongside household items from vacuum cleaners to broken hairdryers.”

The e-waste service is proving a popular and efficient method for residents to ethically dispose of unwanted electrical devices and is widely promoted.

Is the Book a Pick Up service that can collect white goods, mattresses, furniture and metal items as popular and widely promoted?

How many bookings were made for this service in 2015? Does the City hope to increase the amount of mattresses, equipment, white goods and metal items it collects through this program in 2016 and, if so, by how much?

Answer by the Lord Mayor

The City received approximately 41,800 bookings for the weekly book a pick-up service in the 2015 calendar year. The popularity of the service is on the rise, growing by 25 per cent in 2015.

The City actively promotes the weekly free pick-up for bulky waste and ran a campaign in 2015 to increase awareness of the service, while also informing people that dumping is illegal and that fines can apply. In total, the campaign generated over 13,000 unique page views to the City’s website, up 200 per cent from the previous month. As a result, the City logged 3,765 pick-up bookings during the peak of the campaign, the highest monthly volume recorded to date.

The City's book a pick-up service is more popular and more widely used than the quarterly e-waste drop off events, with approximately 3,571 tonnes of bulky waste, 363 tonnes of metals and white goods, and 570 tonnes of mattresses collected in the 2015 calendar year. The City does hope to increase the amount of material collected through the book a pick-up service in 2016, which will feed into the resource recovery targets being developed as part of the City's Waste Strategy 2030.

CHINESE TOURISTS TO SYDNEY (S103147)

37. By Councillor Vithoukas

Question

The business connections between Australia and China expand and Sydney is the country's leading business city. Business tourists are estimated to be worth 6.5 times more than leisure tourists.

How many business tourists from China visited Sydney in 2014 and 2015? How many are expected to visit in 2016?

What was the average economic benefit to Sydney's businesses, big and small, of business tourists from China in 2014 and 2015 and what is the forecast amount for 2016?

Answer by the Lord Mayor

Destination NSW has overarching responsibility for tourism in NSW. The latest information released by Destination NSW refers to tourism in Sydney generally, not specifically related to Chinese New Year:

<http://www.destinationnsw.com.au/wp-content/uploads/2014/04/Sydney-YE-Sep-15.pdf>.

RAINBOW FLAG IN TAYLOR SQUARE (S103148)

38. By Councillor Forster

Question

I note that, on 24 February 2014, a Lord Mayoral Minute celebrating Sydney's GLBTI community was carried unanimously, after Councillor Forster moved an amendment calling for the installation of a Rainbow Flag in Taylor Square in the five-year interim period while a permanent artwork is being developed.

At the Rainbow Flag Raising Ceremony at Sydney Town Hall on 20 February 2015, the Lord Mayor referred to the Taylor Square flag as a temporary installation.

At the Council meeting of 30 March 2015, after I moved a Notice of Motion, it was resolved to "(A) note a curatorial process is being developed which will lead to the selection of an artist to develop a permanent artwork for Taylor Square; and (B) request the Chief Executive Officer include a requirement that the Rainbow Flag be retained in Taylor Square as part of the process".

Since the flag's installation in October 2014, it has been warmly received by the public and is a clear and potent symbol of the Taylor Square and Oxford Street area's historical importance and ongoing connection to the GLBTI community.

At the Rainbow Flag Raising Ceremony at Sydney Town Hall on 19 February 2016, Councillor Green, representing the Lord Mayor, again described the Taylor Square flag as being “temporary.”

Could the Lord Mayor please confirm that the Rainbow Flag in Taylor Square is in fact a permanent installation, which will remain during and after construction of the permanent artwork?

Answer by the Lord Mayor

The Rainbow Flag in Taylor Square is a permanent installation.

ITEM 14 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS

Supplementary Answers to Questions on Notice are as follows:

Questions on Notice – Council 14 December 2015

IN-ROAD TREE PLANTINGS (S103142)

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.

Supplementary Answer

A response to this question is being finalised and will be distributed to Councillors by CEO Update.

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.

Supplementary Answer

A response to this question is being finalised and will be distributed to Councillors by CEO Update.

STREET UPGRADES (\$103142)

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.

Supplementary Answer

A response to this question is being finalised and will be distributed to Councillors by CEO Update.

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.

Supplementary Answer

A response to this question is being finalised and will be distributed to Councillors by CEO Update.

ITEM 15 NOTICES OF MOTION**CODE OF MEETING PRACTICE – MEETING AGENDA AND BUSINESS (S103139)**

1. Moved by Councillor Forster, seconded by Councillor Mandla -

It is resolved that:

(A) Council note:

- (i) Notices of Motion, drafted and submitted by Councillors, are generally of significant interest to the local community, its residents and businesses, and cover a broad range of issues and initiatives;
- (ii) Councillors' Notices of Motion are currently scheduled as the last item on the agenda for ordinary Council Meetings;
- (iii) in recognition of the Lord Mayor as the directly elected leader of Council, Lord Mayoral Minutes are dealt with immediately after the Confirmation of Minutes on the City of Sydney Council Meeting agenda, and prior to any other general business;
- (iv) in general, the business of ordinary Council Meetings takes four or more hours to debate and resolve, meaning that Notices of Motion by Councillors are routinely dealt with late in the evening, when no or very few members of the public remain in attendance; and
- (v) dealing with Councillors' Notices of Motion as the agenda item immediately following Lord Mayoral Minutes, and before the general business of Council, would make Council's debate and decision-making processes more transparent and accessible for a wider range of stakeholders, and encourage constituent engagement and participation in the business of Council; and

(B) Council change the Order of Business followed by the City of Sydney Council under Clause 5.1 of its Code of Meeting Practice, adopted 13 May 2013, for the Council meeting of 21 March 2016, and all subsequent Council Meetings, until resolved otherwise, to the following:

- 1. Prayer
- 2. Acknowledgement of Country
- 3. Apologies
- 4. Confirmation of minutes of previous meetings
- 5. Disclosures of Interest
- 6. Minutes by the Lord Mayor
- 7. Notices of Motion
- 8. Memoranda by the General Manager (Chief Executive Officer)
- 9. Matters for Tabling
- 10. Reports of Committees
- 11. Reports to Council
- 12. Questions on Notice
- 13. Supplementary Answers to Previous Questions
- 14. Confidential Items

Foreshadowed motion. Councillor Mant foreshadowed that, should Councillor Forster's motion be lost, he would move an alternative motion.

Variation. Following discussion, and with the consent of the seconder of the motion, Councillor Forster varied her motion by the addition, after the word "Council" in the first line of clause (B), of the words "place on public exhibition for a period of 28 days a proposal to".

The motion, as varied, was lost on the following show of hands -

Ayes (4) Councillors Forster, Mandla, Scott and Vithoukas

Noes (5) The Lord Mayor, Councillors Doutney, Green, Kok and Mant.

Motion lost.

Councillor Mant then moved his foreshadowed motion, seconded by Councillor Green, as follows:

It is resolved that:

(A) Council note:

- (i) the second reading speech by the Minister for Local Government on the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015 on 16 September 2015 included as examples of serious misconduct:

"... submitting large numbers of notices or questions on notice with a view to preventing the council from getting through its business"

- (ii) the Towards New Local Government Legislation Explanatory Paper: proposed Phase 1 amendments include proposals that the Local Government (General) Regulation:
 - (a) prescribe a Model Code of Meeting Practice in the Local Government Regulation; and
 - (b) require councils to adopt a Code of Meeting Practice that, at a minimum, incorporates the mandated provisions of the Model Meeting Code;
- (iii) a Model Code of Meeting Practice may contain provisions relating to motions and questions with the aim of minimising the risk of Councillor misconduct as identified by the Minister for Local Government; and
- (iv) the second reading speech by the Minister suggests that any proposal to give motions precedence over the principal business of Council would be a substantial change and, as such, would require public exhibition in accordance with sections 360-362 of the Local Government Act; and

(B) Council defer any amendment to the Code of Meeting Practice relating to the ordering of the Council agenda until after the NSW Government's proposed Phase 1 amendments to the Local Government Act are finalised.

The motion was carried on the following show of hands -

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

Noes (3) Councillors Forster, Mandla and Vithoukias.

Motion carried.

ARCHWAYS (S103138)

2. By Councillor Vithoukias -

It is resolved that:

(A) Council note:

- (i) the Archway 1 Art Studio and Archway 1 Theatre Company, who have been operating from their current premises at 11-13 The Crescent, Annandale since 2005 and 2012, were served an eviction notice by the City on 4 December 2015;
- (ii) at the Council meeting of 14 December 2015, it was resolved the CEO would undertake a review, prepare a further report and review of health and safety actions related to the site;
- (iii) the City of Sydney engaged consultants to carry out an inspection during December and the findings of that inspection were provided to Councillors via a CEO update on 29 January 2016;
- (iv) City of Sydney staff changed the locks and installed a sign on the premises of 11-13 The Crescent, Annandale, on the morning of Friday 29 January 2016, in accordance with the eviction notice of 4 December 2015; and
- (v) the City has been negotiating with the occupants, Stephan Reich and Rachel Jordan, about the vacation and clearing of the archways due to the planned Johnstons Creek development for a period of approximately six months; and

(B) the Chief Executive Officer be requested to:

- (i) ensure that the occupants are provided with supervised access to the site to personally oversee the removal of their belongings and the City to provide assistance, financial and otherwise, for this process to occur;
- (ii) work with the occupants to organise a farewell event to be held either on site or off site. The event would be held to acknowledge the community significance and history of the Archway 1 Art Studio and Archway 1 Theatre Company; and
- (iii) continue to work with the Archway 1 Art Studio and Archway 1 Theatre Company to investigate alternative venues for rehearsals and performances.

Note – at the meeting of Council, the content of the original Notice of Motion was varied by Councillor Vithoukias. Subsequently, it was:

Moved by Councillor Vithoukas, seconded by Councillor Doughty –

It is resolved that Council:

- (A) note that, following public consultation, the City incorporated a commitment to reopen the western railway viaduct arches into the Johnstons Creek Master Plan to enhance views, improve permeability and increase open space, with work due to commence in mid-2016.
- (B) the Archway 1 Art Studio and Archway 1 Theatre Company, who have been operating from the site since 2005 and 2012, respectively, were informed they would be impacted by the decision to reopen the viaduct arches and Council has been negotiating with them in relation to a date when they would vacate premises.
- (C) note that, following Council's resolution on Monday 14 December 2015, the Chief Executive Officer undertook a review of health and safety actions required to enable Archway 1 to be used until mid-2016 as a complying non-residential artist workshop, which concluded that the estimated cost:
 - (i) would exceed \$100,000 for basic works, including fire compliance, repairs to stairway to mezzanine level, access for people with disabilities, provision of sanitary facilities, and electrical works; and
 - (ii) would exceed \$10,000 for minimal works to provide safe public access to just the ground level, including blocking off the mezzanine level and electrical works;
- (D) note that:
 - (i) the City wrote to the tenants on 22 December 2015 seeking an undertaking that the premises would be used solely for complying non-residential artist workshop purposes; and
 - (ii) the tenants have not provided a written undertaking;
- (E) note that, due to cost, documented safety issues and lack of undertakings from the tenants, the City has not provided the tenants with access to the premises since 29 January 2016;
- (F) fund the costs of a professional removalist to work with the Archway 1 Theatre group to relocate all private property from the Archway site under the supervision of the current tenants;
- (G) offer to store the property at a Council depot for up to 12 months, should the Archway 1 Theatre group not nominate an alternative location, at no cost;
- (H) approve Archway 1 Theatre group to hold a farewell event for the community and supporters in the parkland adjacent to the archways space and provide value-in-kind support for this event; and

- (l) include the Archway 1 Theatre group on the City's waiting list for any future appropriate space under the City's accommodations grants program and continue to assist the group with accessing available performance, rehearsal or workshop space.

The motion was carried on the following show of hands -

Ayes (8) The Lord Mayor, Councillors Doutney, Green, Kok, Mandla, Mant, Scott and Vithoukias

Noes (1) Councillor Forster.

Motion carried.

SMALL BUSINESS GRANTS (S103138)

3. By Councillor Vithoukias -

It is resolved that:

(A) Council note:

- (i) the City of Sydney offers a range of grants and sponsorships for business. The City's grants and sponsorship program aims to strengthen Sydney's competitiveness, improve productivity and capacity, and promote business opportunities;
- (ii) up to \$80,000 can be applied for per year under the Village Business Grants Program. Grant applications are submitted online, evaluated by the City of Sydney Grants Assessment Panel, who then provide a recommendation to Council;
- (iii) some City of Sydney local business chambers and associations have been successfully awarded \$80,000 grants under the Village Business Grants Program, to fund business building activities in their areas, for a number of years;
- (iv) currently, 11 business chambers and associations play an important and relevant role in providing support for local businesses that is independent of Government;
- (v) in December 2015, several business chambers and associations received less than \$80,000 under the Village Business Grants Program, leaving a shortfall that may impact planned business initiatives in their relevant precincts;
- (vi) on 20 January 2016, I convened a round-table discussion focusing on the Grants program. Executive members of the various local Chambers and Associations were invited. That discussion raised a number of issues with the current Grants process from the perspective of those who have applied for grants over the years; and
- (vii) from this discussion a number of proposals were put forward to improve the grants process and outcomes; and

- (B) the Chief Executive Officer be requested to:
- (i) amend and update the current Village Business Grants Program to ensure:
 - (a) that sufficient funds are provided for in future budget allocations to ensure each existing chamber and association has the ability to apply for an annual Village Business Grant of up to \$80,000 each;
 - (b) if individual Chambers and Associations are unsuccessful in their initial application for any or all of their allocated \$80,000 grant, provisions should be made to enable them to re-apply for any remaining funds within that same financial year;
 - (c) the provision of greater flexibility to enable Business Chambers and Associations to organise and determine the size and number of projects within their allocated \$80,000 grant per annum; and
 - (d) collaboration and communication is enhanced between City of Sydney staff and those applying for grant funding; and
 - (ii) provide enhanced feedback on grant applications that may not meet the relevant criteria prior to the grant deadline to enable the applicants to amend their application.

Note – at the meeting of Council, the content of the original Notice of Motion was varied by Councillor Vithoukas to also incorporate Notice of Motion No. 5. Subsequently, it was:

Moved by Councillor Vithoukas, seconded by Councillor Scott –

It is resolved that:

- (A) Council note:
- (i) the City of Sydney offers a range of grants and sponsorships for business. The City's grants and sponsorship program aims to strengthen Sydney's competitiveness, improve productivity and capacity, and promote business opportunities;
 - (ii) up to \$80,000 can be applied for per year under the Village Business Grants Program. Grant applications are submitted online and evaluated by the City of Sydney Grants Assessment Panel, who then provide a recommendation to Council;
 - (iii) under the current Grants and Sponsorships Program Guidelines 2016, applications received by the City are assessed by at least three relevant City staff. Some applications may also be assessed by external parties with particular skills or professional expertise to contribute to the assessment process;
 - (iv) some City of Sydney local business chambers and associations have been successfully awarded \$80,000 grants under the Village Business Grants Program, to fund business building activities in their areas, for a number of years;

- (v) currently, 11 business chambers and associations play an important and relevant role in providing support for local businesses that is independent of Government;
 - (vi) in December 2015, several business chambers and associations received less than \$80,000 under the Village Business Grants Program, leaving a shortfall that may impact planned business initiatives in their relevant precincts;
 - (vii) on 20 January 2016, I convened a round-table discussion focusing on the Grants program. Executive members of the various local Chambers and Associations were invited. That discussion raised a number of issues with the current Grants process from the perspective of those who have applied for grants over the years;
 - (viii) from this discussion a number of proposals were put forward to improve the grants process and outcomes; and
 - (ix) the City of Melbourne currently operates a number of independent assessment panels (external and internal) that assess requests for grants and funding across a number of areas, including business, social enterprise, arts, festivals and events and more. The purpose of the independent assessment panel is:
 - (a) to review, assess and provide objective, independent recommendations to Council in relation to funding for grants and sponsorship programs; and
 - (b) to ensure that guidelines and assessment criteria endorsed by Council have been applied consistently and equitably for all applications; and
- (B) the Chief Executive Officer be requested to:
- (i) amend and update the current Village Business Grants Program to ensure:
 - (a) that sufficient funds are provided for in future budget allocations to ensure each existing chamber and association has the ability to apply for an annual Village Business Grant of up to \$80,000 each;
 - (b) if individual Chambers and Associations are unsuccessful in their initial application for any or all of their allocated \$80,000 grant, provisions should be made to enable them to re-apply for any remaining funds within that same financial year;
 - (c) the provision of greater flexibility to enable Business Chambers and Associations to organise and determine the size and number of projects within their allocated \$80,000 grant per annum; and
 - (d) collaboration and communication is enhanced between City of Sydney staff and those applying for grant funding; and provide enhanced feedback on grant applications that may not meet the relevant criteria prior to the grant deadline to enable the applicants to amend their application; and

- (ii) put in place changes that would facilitate the inclusion of experienced small business owners as part of the City's grants assessment panel when reviewing, assessing and recommending allocations for applicants under future business grants programs; and assess the feasibility of applying some or all of the principles and procedures of the City of Melbourne's independent internal and external assessment panels for grants and sponsorships.

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

That the motion be amended such that it read as follows:

It is resolved that:

(A) Council note:

- (i) the City of Sydney offers a range of grants and sponsorships for business. The City's grants and sponsorship program aims to strengthen Sydney's competitiveness, improve productivity and capacity, and promote business opportunities;
- (ii) up to \$80,000 can be applied for per year under the Village Business Grants Program. Grant applications are submitted online and evaluated by the City of Sydney Grants Assessment Panel, who then provide a recommendation to Council;
- (iii) some City of Sydney local business chambers and associations have been successfully awarded \$80,000 grants under the Village Business Grants Program, to fund business building activities in their areas, for a number of years; and
- (iv) currently, 11 business chambers and associations play an important and relevant role in providing support for local businesses that is independent of Government;

(B) the Chief Executive Officer be requested to review the Village Business Grants Program, with the terms of reference:

- (i) to be developed following a workshop with Councillors as soon as possible and to be circulated to Councillors via the CEO Update; and
- (ii) to provide for:
 - (a) consideration of the issues raised in Items 15.3, 15.5, 15.10 and 15.12 listed on the agenda for the Council meeting of 29 February 2016;
 - (b) input being sought from the NSW Small Business Commissioner and business organisations within the City of Sydney;
 - (c) consideration of the operation of similar programs by other councils; and
 - (d) opportunity for feedback from village business representatives; and

(C) the outcome of this review be reported to Council, including:

- (i) any recommended changes to the Village Business Grants Program; and

- (ii) any recommended changes to the Grants and Sponsorship Policy or other programs which may be identified as a result of this review.

The amendment was carried on the following show of hands -

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

Noes (3) Councillors Forster, Mandla and Vithoukias.

Amendment carried.

The substantive motion was carried unanimously.

UPDATING SYDNEY WRITERS WALK PLAQUES (S103138)

4. Moved by Councillor Vithoukias, seconded by Councillor Kok -

It is resolved that:

(A) Council note:

- (i) the Sydney Writers' Walk consists of a series of brass plaques bearing the names of notable writers who reside in or visited Australia;
- (ii) the brass plaques were installed into the footpath in 1991, extending from the International Passenger Terminal to the Sydney Opera House forecourt at East Circular Quay;
- (iii) the plaques detail the name, date of birth, date of death (as applicable) as well as the accomplishments of the writer;
- (iv) the details on a number of existing plaques are now out of date due to the death of some writers;
- (v) the plaques are located on land owned by the Sydney Opera House, Sydney Ports and Sydney Harbour Foreshore Authority;
- (vi) the plaques are relevant to acknowledging writers, especially during the annual Sydney Writers' Festival; and
- (vii) the City of Sydney provides substantial sponsorship for the Sydney Writers' Festival that supports the City's Creative City Cultural Policy objectives of Sharing Knowledge, Precinct Distinctiveness and a Partner for Big Ideas; and

(B) the Lord Mayor write to the NSW Minister for the Arts to:

- (i) request the out-of-date plaques be updated, as a matter of urgency, prior to the Sydney Writers' Festival that will be held between 16 and 22 May 2016; and
- (ii) request that the Minister also explore the possibility of extending the walk to acknowledge the lives and achievements of additional distinguished writers; and

(C) a report back be provided to Councillors via the CEO update.

Carried unanimously.

BUSINESS VILLAGE GRANTS ASSESSMENT PANEL (S103138)

5. By Councillor Vithoukas -

It is resolved that:

(A) Council note:

- (i) the City of Sydney offers a range of grants and sponsorships for business. The City's grants and sponsorship program aims to strengthen Sydney's competitiveness, improve productivity and capacity, and promote business opportunities;
- (ii) under the current Grants and Sponsorships Program Guidelines 2016, all applications received by the City are assessed by at least three relevant City staff. Some applications may also be assessed by external parties with particular skills or professional expertise to contribute to the assessment process;
- (iii) Business Chambers and Associations, who represent small business owners in their associated precincts and work towards driving business engagement and development, currently apply for funding under a number of grant and sponsorship programs which include Business Improvement Grants, Village Business Grants and grants for commercial creative and business events;
- (iv) under the Village Business Grants Program, individual Business Chambers and Associations can apply for a grant of up to \$80,000 per annum;
- (v) in December 2015, several business chambers and associations received less than their anticipated grant of \$80,000 under the Village Business Grants program, leaving a shortfall that could impact planned business initiatives in their relevant precincts;
- (vi) on 20 January 2016, I convened a round-table discussion focusing on the Grants program. Executive members of the various local Chambers and Associations were invited. That discussion raised a number of issues with the current Grants process from the perspective of those who have applied for grants over the years;
- (vii) from this discussion a number of proposals were put forward to improve the grants process and outcomes;
- (viii) the City of Melbourne currently operates a number of independent assessment panels (external and internal) that assess requests for grants and funding across a number of areas including business, social enterprise, arts, festivals and events and more. The purpose of the independent assessment panel is:
 - (a) to review, assess and provide objective, independent recommendations to Council in relation to funding for grants and sponsorship programs; and

- (b) to ensure that guidelines and assessment criteria endorsed by Council have been applied consistently and equitably for all applications; and
- (B) the Chief Executive Officer be requested to:
- (i) put in place changes that would facilitate the inclusion of experienced small business owners as part of the City's grants assessment panel when reviewing, assessing and recommending allocations for applicants under future business grants programs; and
 - (ii) assess the feasibility of applying some or all of the principles and procedures of the City of Melbourne's independent internal and external assessment panels for grants and sponsorships.

Note - At the meeting of Council, Councillor Vithoukas withdrew her Notice of Motion, the matters raised in it having been dealt with at an earlier stage of the meeting in Item 15.3.

WESTCONNEX (S103137)

6. Moved by Councillor Doutney, seconded by Councillor Scott -

It is resolved that:

- (A) Council note the strong community objection to works being undertaken by WestConnex Authority, particularly in relation to any removal of vegetation around Sydney Park; and
- (B) Council:
- (i) not provide any approval sought for any test drilling or preparatory works in the City of Sydney LGA for WestConnex;
 - (ii) confirm the right of residents to peacefully protest at Sydney Park and other sites owned or managed by Council; and
 - (iii) notify the community of all proposals or scheduled activities for test drilling or preparatory works that Council is informed about by posting them on the City of Sydney website.

Variation. At the request of the Chair (the Lord Mayor), and by consent, the motion was varied by the deletion, in clause (B)(i), of the words "provide any approval sought for" and the substitution of the word "support".

The motion, as varied by consent, was carried on the following show of hands –

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

Noes (3) Councillors Forster, Mandla and Vithoukas.

Motion, as varied by consent, carried.

BEFORE- AND AFTER-SCHOOL CARE (S103133)

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

It is resolved that:

(A) Council note:

- (i) the Resolution of Council from 28 July 2014 regarding the provision of before- and after-school care in the City of Sydney;
- (ii) that the resolution of Council from 28 July 2014 requested that the CEO commission an update of the 2010 review of the out of school hours care needs of the communities in the City of Sydney to incorporate new demographic data, and that a report be provided to Councillors;
- (iii) to date, no report has been provided to Councillors regarding the needs for before- and after-school care hours within the City of Sydney;
- (iv) the City of Sydney LGA continues to experience a crisis in before- and after-school care impacting local families with school-aged children, with population modelling from the *City of Sydney Childcare Needs Analysis 2013* showing that the population aged 5 to 11 years set to grow by 88% between 2011 and 2031 and the population aged 0 to 4 years set to grow by 74% between 2011 and 2031; and
- (v) Leichhardt Municipal Council's policy of opening up its town halls and community centres for out of hours school care has seen two of that Council's buildings approved to provide an out of school hours care service, resulting in 70 new places being created; and

(B) the Chief Executive Officer be requested to:

- (i) fast track an investigation of the feasibility of opening spaces within Council-owned properties such as town halls and community centres to out of school hours providers;
- (ii) provide the results of the feasibility study to Councillors;
- (iii) develop a draft policy based on the feasibility study for the provision of out of school hours care in Council-owned buildings; and
- (iv) where feasible and necessary, lodge development applications for City venues to ensure space is available when needed.

Foreshadowed motion. Councillor Green foreshadowed that, should Councillor Scott's motion be lost, she would move the following alternative motion:

It is resolved that:

(A) Council note:

- (i) the City currently operates six Out of School Hours Care (OSHC) services that provide after school and vacation care programs with a total of 270 approved places, three of which are free and available only to low income and disadvantages families;

- (ii) a Review of Programs, Services and Facilities for Primary School Aged Children in the City of Sydney has been completed and staff are currently undertaking a response of the review and its implications;
 - (iii) there is no standard benchmark for assessing OSHC supply-demand balance and demand can fluctuate greatly from year to year in response to changes such as demographics and school enrolment;
 - (iv) preliminary analysis indicates the supply of OSHC places within the Local Government Area largely meets demand, but there are mismatches between supply and demand in some areas with under-utilised services and supply shortages in different locations;
 - (v) the most timely way to meet demand for additional OSHC is through the use of suitable existing local facilities. The City is currently upgrading two services at Juanita Nielsen Centre and the East Sydney Community and Arts Centre, investigating options in Erskineville and meeting with Alexandria Scout Hall to assess its suitability; and
 - (vi) the Lord Mayor has written to the Minister for Education to request greater flexibility in the application of national regulations by the Department of Education on the amount of indoor and outdoor space to be provided per child in inner-city schools to improve the availability and responsiveness of supply of OSHC; and
- (B) the Chief Executive Officer be requested to provide Councillors with a briefing on:
- (i) the review of out of school hours care needs undertaken for the City of Sydney; and
 - (ii) work that is currently being undertaken to upgrade City facilities for OSHC and options that are currently being investigated for the additional provision of OSHC in City-owned properties and other venues.

The motion moved by Councillor Scott was lost on the following show of hands –

Ayes (4) Councillors Forster, Mandla, Scott and Vithoulikas

Noes (5) The Lord Mayor, Councillors Doutney, Green, Kok and Mant.

Motion lost.

Councillor Green then moved her foreshadowed motion, seconded by Councillor Mant.

The motion was carried unanimously.

LGNSW ELECTIONS (\$103133)

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

It is resolved that:

(A) Council note:

- (i) the finding of the Australian Electoral Commissioner that an irregularity occurred in relation to the elections of Vice Presidents and other Directors of Local Government NSW; and
 - (ii) that a hearing has been set in the Federal Court for 29 March 2016 with the court to determine whether the officers were validly elected; and
- (B) Council indicate its preference that the re-run election, if required, be conducted by a postal ballot as soon as possible following the judgement.

The motion was lost on the following show of hands –

Ayes (4) Councillors Forster, Mandla, Scott and Vithoukias

Noes (5) The Lord Mayor, Councillors Doutney, Green, Kok and Mant.

Motion lost.

REVIEW OF PLANNING CONTROLS TO SUPPORT DIVERSITY IN THE LATE-NIGHT ECONOMY (S103133)

9. Moved by Councillor Scott, seconded by Councillor Vithoukias -

It is resolved that:

(A) Council note:

- (i) the need for a diverse late-night economy to support the City's social and cultural goals set out in OPEN Sydney: Future directions for Sydney at night; and
 - (ii) that, according to the Phase 4 Report of the City's Late Night Management Areas Research recently completed in September 2015, there was no change in the proportion of cafés or restaurants, and pubs, taverns and bars open through the night across the City of Sydney between 2012 and 2015;
- (B) the Chief Executive Officer be requested to undertake a review of the City's planning controls to ensure the City can adopt global best practice to encourage diversity in the City's late-night economy; and
- (C) the Chief Executive Officer provide an update on the findings to Councillors by mid-2016, with a view to bringing a report to Council by the end of 2016.

Foreshadowed motion. Councillor Green foreshadowed that, should Councillor Scott's motion be lost, she would move the following alternative motion:

It is resolved that:

(A) Council note:

- (i) the need for a diverse late-night economy to support the City's social and cultural goals set out in OPEN Sydney: Future directions for Sydney at night;

- (ii) that the Phase 4 Report of the City's Late Night Management Areas Research (LNMAR) recently completed in September 2015, providing information on the night time economy, is a valuable tool that is used to monitor the performance of the night time economy, identifies areas for improvement in various precincts and informs the development of policies and strategies to improve the night time economy in line with the OPEN Sydney strategy;
- (iii) City staff are preparing submissions to a number of reviews that are currently taking place on the late night economy and the management of alcohol-related issues, including:
 - (a) the Senate Inquiry into a nationally consistent approach to alcohol-fuelled violence (submissions due 31 March 2016);
 - (b) the NSW Government's statutory review ('The Callinan Review') of liquor laws introduced in 2014, including an assessment of the lockout and last drinks legislation, State-wide restriction of take away liquor sales and the periodic licensing fee system for NSW licensed venues; and
 - (c) the CBD Entertainment Precinct Plan of Management review being conducted by NSW Treasury; and
- (B) the Chief Executive Officer be requested to provide Councillors with a briefing on the OPEN Sydney strategy and the work being done as part of a strategic review into the City's approach to diversifying the night time economy and receive input from Councillors prior to the lodgement of submissions.

The motion moved by Councillor Scott was lost on the following show of hands –

Ayes (4) Councillors Forster, Mandla, Scott and Vithoukias

Noes (5) The Lord Mayor, Councillors Doutney, Green, Kok and Mant.

Motion lost.

Councillor Green then moved her foreshadowed motion, seconded by Councillor Mant.

The motion was carried unanimously.

GRANTS AND SPONSORSHIPS FUNDING ALLOCATION (\$103133)

10. Moved by Councillor Scott, seconded by Councillor Vithoukias -

It is resolved that:

(A) Council note:

- (i) the allocated budget for the Village Business Grant Program in 2015/2016 is \$650,000, with \$609,325 having been awarded to recipients to date;
- (ii) in the financial year 2013/2014, funds totalling \$726,583 were awarded as part of the City's Village Business Grant Program; and

- (iii) in the financial year 2014/2015, funds totalling \$719,500 were awarded as part of the City's Village Business Grant Program; and
- (B) Council request that funds allocated towards grants and sponsorships outlined in the City's Grants and Sponsorship Policy not exhaust at the end of each financial year, but that any funds not allocated are re-allocated towards future budgets in the same grants and sponsorships category.

The motion was lost on the following show of hands –

Ayes (2) Councillors Scott and Vithoukas

Noes (7) The Lord Mayor, Councillors Doutney, Forster, Green, Kok, Mandla and Mant.

Motion lost.

WATERSHED GREEN LIVING CENTRE (S103133)

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

It is resolved that:

- (A) Council note the City's continued partnership with Marrickville Council to support the Watershed Green Living Centre, Newtown; and
- (B) the Chief Executive Officer be requested to provide a report to Council in 2016 with a proposal to increase the budget and programs offered to the Watershed Green Living Centre in order to facilitate increased provision of environmental sustainability programs and initiatives to inner-city communities and businesses.

Foreshadowed motion. Councillor Kok foreshadowed that, should Councillor Scott's motion be lost, he would move the following alternative motion:

It is resolved that:

- (A) Council note the City's continued partnership with Marrickville Council to support the Watershed Green Living Centre, Newtown with an agreement to fund until the end of the 2016-17 financial year; and
- (B) the budget for the Watershed Green Living Centre will be reviewed in accordance with standard budgetary procedures following evaluation of the Centre prior to the expiration of the funding agreement in 2016-17.

A show of hands on the motion moved by Councillor Scott resulted in an equality of voting as follows:

Ayes (4) Councillors Forster, Mandla, Scott and Vithoukas

Noes (4) The Lord Mayor, Councillors Green, Kok and Mant.

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

The motion was declared lost.

Councillor Kok then moved his foreshadowed motion, seconded by Councillor Mant.

Motion carried.

INCREASE FUNDING FOR VILLAGE BUSINESS GRANT PROGRAM (S103135)

12. Moved by Councillor Mandla, seconded by Councillor Forster -

It is resolved that:

(A) Council note that:

- (i) in June 2015, Council resolved Item 6.18 – Village Business Grant Program 2015/16 Round One Allocations approving cash grants and value in kind (VIK) recommendations for 2015/16 and 2016/17;
- (ii) in December 2015, Council resolved Item 6.26 – Village Business Grant Program 2015/16 Round Two Allocations approving cash grants and value in kind (VIK) recommendations for 2015/16 and 2016/17;
- (iii) the Village Grants Community Groups include Chippendale Creative Precinct, Darlinghurst Business Partnership, Glebe Chamber of Commerce, Newtown Precinct Business Association, Paddington Business Partnership, Potts Point Partnership, Pyrmont Ultimo Chamber of Commerce, South Sydney Business Chamber and Walsh Bay Arts and Commerce;
- (iv) the village economies that these groups represent contribute \$25 billion dollars per annum to the City's GDP and account for 60% of the jobs in the City's workforce;
- (v) their unique precincts are essential to making Sydney a major tourist destination, a vibrant global city and a desirable place to live, work and play;
- (vi) only \$609,325 was distributed to Village Community Groups (including Newtown) in this current financial year as compared to \$776,041.50 which was distributed to Village Community Groups (including Newtown) in each of the last two fiscal years;
- (vii) all of the Village Grants community groups did not receive between \$1,000, and \$47,950 worth of funding;
- (viii) the executive committees of the Village Community groups will have to cut programs, administrative support staff and promotional efforts on behalf of our various business precincts;
- (ix) Council confirmed in Chamber an expectation that the Village Grants Community Groups would receive the whole amount of the grant and speakers confirmed they were shocked that they subsequently did not receive the whole amount of the grant; and
- (x) the City of Sydney has become unnecessarily prescriptive in providing grants that limit entrepreneurship and business freedom to adjust to market conditions and demands; and

(B) the Chief Executive Officer be requested to:

- (i) increase the grant funds of \$23,600 to Chippendale Creative Precinct during the current fiscal year;
- (ii) increase the grant funds of \$10,000 to Glebe Chamber of Commerce during the current fiscal year;
- (iii) increase the grant funds of \$9,800 to Haymarket Chamber of Commerce during the current fiscal year;
- (iv) increase the grant funds of \$6,000 to Potts Point Partnership during the current fiscal year;
- (v) increase the grant funds of \$21,000 to Pyrmont Ultimo Chamber of Commerce during the current fiscal year; and
- (vi) increase the grant funds of \$47,950 to South Sydney Business Chamber during the current fiscal year.

Following discussion, Councillor Mandla withdrew his Notice of Motion.

WEBCASTING (S103135)

13. By Councillor Mandla -

It is resolved that Council:

(A) note that:

- (i) as there is no record kept of discussions in Committee and Council meetings, there is often debate as to what was and what wasn't said in a particular meeting. With no record of discussions, Councillors and the community miss the productivity boost of being able to benefit from watching past deliberations;
- (ii) participatory democracy is at the heart of Local Government. Public access to proceedings can only increase confidence in Local Government;
- (iii) the City of Sydney Council presents itself as Green, Global and Connected, with a commitment to consultation and community involvement;
- (iv) technology, specifically webcasting via live streaming over the Internet, is an ideal means to increase participatory democracy and drastically reduce the carbon footprint of running Council and Committee meetings;
- (v) many Council and Committee meetings are held at irregular hours. The public gallery is small. A member of the public can wait hours for an agenda item to be dealt with;
- (vi) Council has to'd and fro'd on Webcasting having approved investigation, approved Webcasting and then run a rescission motion against it. In light of the recent success of my motion to adopt board portal technology and move papers to electronic format, using webcasting technology to record discussions will be successful and lead to more productive better community engagement; and

- (vii) internationally, most US Local Governments, 80% in the UK, and European Union Local Governments and over half the Local Governments of Wales webcast their proceedings; and
- (B) request the Chief Executive Officer to:
- (i) by 30 April 2016, commence live streaming of Council and Committee meetings to the web, with archiving to enable viewing at a later date; and
 - (ii) implement a training program for Councillors and relevant staff dealing with technical and legal issues of webcasting in preparation for live streaming of Council and Committee proceedings.

Note – at the meeting of Council, Councillor Mandla withdrew his Notice of Motion.

ALTERATION OF COUNCIL AGENDA AND CODE OF MEETING PRACTICE (S103135)

14. By Councillor Mandla -

It is resolved that:

- (A) Council note that:
- (i) Questions on Notice are one of the most important democratic tools that a Councillor possesses in representing the community;
 - (ii) Questions on Notice are often the only method that a Councillor has to get real answers to City of Sydney matters;
 - (iii) Questions on Notice are currently at the end of the agenda and ought to have a more prominent position at the top of the agenda; and
 - (iv) answers to Questions on Notice are often supplied just before Council meetings and, at least on one occasion, during the meeting, precluding Councillors from properly reading the answers and limiting their ability to absorb the information and to debate matters during the Council meeting; and
- (B) the Chief Executive Officer be requested to:
- (i) amend the Code of Meeting Practice so that Questions on Notice are Item 5 on the agenda (after Memoranda by the Chief Executive Officer and before Matters for Tabling); and
 - (ii) amend the Code of Meeting Practice so that the answers to Questions on Notice must be provided by noon on the day of the Council meeting.

Note – at the meeting of Council, Councillor Mandla withdrew his Notice of Motion.

This item was deferred from an earlier stage of the meeting (see page 218).

ITEM 10 EXEMPTION FROM TENDER – MANAGEMENT OF INDOOR AQUATIC LEISURE FACILITIES (S100640.001)

Closed Meeting

At 10.37pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok -

That the meeting be closed in accordance with the provisions of sections 10A(2)(c) and (d)(i) of the Local Government Act 1993 to discuss confidential Attachment A to Item 10 on the agenda as this matter comprised -

- information, that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and
- commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; and

it was further resolved that the meeting be closed for this item on the basis that discussion of this matter in open session would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Carried.

Confidential Attachment A was then discussed by Council while the meeting was closed to the public.

Open Meeting

At 10.40pm the meeting of Council was opened to the public.

The motion, as previously moved by the Chair (the Lord Mayor) and seconded by Councillor Mant, was put to the vote and was carried unanimously.

At 10.41pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 21 March 2016 at which
meeting the signature herein was subscribed.