

# COUNCIL

Meeting No 2  
Monday 21 March 2016  
Notice No 2/1571  
Notice Date 17 March 2016

*minutes*

*city of villages*

## INDEX TO MINUTES

ITEM	PAGE NO
1. CONFIRMATION OF MINUTES .....	273
2. DISCLOSURES OF INTEREST.....	273
3. MINUTES BY THE LORD MAYOR	
3.1 AFFORDABLE HOUSING LEVY FOR CITY OF SYDNEY .....	274
3.2 MOORE PARK UNDER THREAT .....	276
4. MEMORANDA BY THE CHIEF EXECUTIVE OFFICER.....	280
5. MATTERS FOR TABLING .....	281
6. REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 14 MARCH 2016.....	282
6.1 DISCLOSURES OF INTEREST.....	282
6.2 INVESTMENTS HELD AS AT 29 FEBRUARY 2016.....	283
6.3 REVIEW OF THE INVESTMENT POLICY AND STRATEGY FOR THE MANAGEMENT OF COUNCIL'S SURPLUS FUNDS .....	283
6.4 PROPOSED NAMING OF AN UNNAMED ROAD OFF NELSON STREET, ANNANDALE - POST EXHIBITION .....	284
6.5 LAND CLASSIFICATION CHANGE - 200 GEORGE STREET, SYDNEY .....	284
6.6 TRANSFER OF CITY-OWNED LIQUOR LICENCES TO CUSTOMS HOUSE TENANTS CUSTOMS HOUSE CAFÉ PTY LIMITED AND CIRCULAR QUAY BAR PTY LIMITED .....	284
6.7 TENDER – BAY STREET DEPOT UPGRADE.....	285
6.8 TENDER - CAPITAL WORKS PROGRAMMING SERVICES - CITY PROJECTS AND PROPERTY.....	285
6.9 TENDER - BRONZE MONUMENT CONSERVATION WORK – IL PORCELLINO, SHAKESPEARE MEMORIAL AND EDWARD VII.....	285
6.10 TENDER - DESIGN CONSULTANCY SERVICES FOR THE CUSTOMS HOUSE FAÇADE PROJECT .....	286
6.11 TENDER - CONSTRUCTION CONTRACT - NEWCOMBE STREET PADDINGTON - PARTIAL ROAD OPENING AND CLOSURE .....	286
6.12 EXEMPTION FROM TENDER – CAPABILITI LEARNING MANAGEMENT SYSTEM.....	286

## INDEX TO MINUTES

ITEM	PAGE NO
6.13 EXEMPTION FROM TENDER – MERCURY E-RECRUITMENT SYSTEM.....	287
7. REPORT OF THE ENVIRONMENT COMMITTEE - 14 MARCH 2016 .....	288
7.1 DISCLOSURES OF INTEREST .....	288
7.2 2015/16 ENVIRONMENTAL PERFORMANCE GRANT PROGRAMS – SIXTH ALLOCATION .....	288
8. REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 14 MARCH 2016.....	290
8.1 DISCLOSURES OF INTEREST .....	291
8.2 GRANTS AND SPONSORSHIP – FOURTH ALLOCATION OF 2015/16 MATCHING GRANT PROGRAM AND AWARDING OF THREE GRANTS UNDER OTHER PROGRAMS.....	291
8.3 DICTIONARY OF SYDNEY – TRANSITIONAL FUNDING 2016/17 .....	299
8.4 INTERNATIONAL TRAVEL – CHINA – 30TH ANNIVERSARY OF THE SYDNEY-GUANGZHOU SISTER CITY RELATIONSHIP .....	299
8.5 SOCIAL SUSTAINABILITY DRAFT POLICY AND DISCUSSION PAPER – PUBLIC EXHIBITION .....	300
9. REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 15 MARCH 2016.....	302
9.1 DISCLOSURES OF INTEREST .....	303
9.2 CAR SHARING POLICY REVIEW.....	304
9.3 MILLERS POINT CONSERVATION AREA - AMENDMENT TO PLANNING CONTROLS - REVISION OF PLANNING PROPOSAL .....	304
9.4 POST EXHIBITION - HERITAGE FLOOR SPACE AMENDMENTS TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 .....	305
9.5 REPORT OF THE OPERATIONS OF THE SECTION 82A AND SECTION 96AB REVIEW PANEL - 2015.....	306
9.6 DEVELOPMENT APPLICATION: 45 COOPER STREET SURRY HILLS .....	306
9.7 DEVELOPMENT APPLICATION: 64-66 COOK ROAD CENTENNIAL PARK .....	308

**INDEX TO MINUTES**

<b>ITEM</b>	<b>PAGE NO</b>
<b>9.8 DEVELOPMENT APPLICATION: UNITS 16-20 - 1A COULSON STREET ERSKINEVILLE .....</b>	<b>348</b>
<b>9.9 DEVELOPMENT APPLICATION: 134-136 BOTANY ROAD ALEXANDRIA .....</b>	<b>349</b>
<b>9.10 DEVELOPMENT APPLICATION: 93 ST JOHNS ROAD AND 3 AND 5 REUSS STREET GLEBE .....</b>	<b>395</b>
<b>9.11 DEVELOPMENT APPLICATION: 292 KING STREET NEWTOWN .....</b>	<b>398</b>
<b>9.12 DEVELOPMENT APPLICATION: 19 REGENT STREET PADDINGTON.....</b>	<b>400</b>
<b>9.13 DEVELOPMENT APPLICATION: 6 VICTORIA STREET BEACONSFIELD .....</b>	<b>405</b>
<b>9.14 DEVELOPMENT APPLICATION: 2-14 KINGS CROSS ROAD POTTS POINT - THE LARMONT HOTEL .....</b>	<b>437</b>
<b>9.15 DEVELOPMENT APPLICATION: 9 NORTHCOTE ROAD GLEBE .....</b>	<b>442</b>
<b>10. DARLING SQUARE – THE DARLING EXCHANGE COMMERCIAL SUB-LEASE TERMS AND CONDITIONS .....</b>	<b>450</b>
<b>11. TENDER - PROPERTY SERVICES CONSULTANT.....</b>	<b>450</b>
<b>12. QUESTIONS ON NOTICE .....</b>	<b>451</b>
<b>13. SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS.....</b>	<b>462</b>
<b>14. NOTICES OF MOTION.....</b>	<b>463</b>

**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 Vithoulkas.

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

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

The Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Director Legal and Governance, Director City Life, 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), second by Councillor Kok –

That the minutes of the meeting of Council of Monday 29 February 2016, 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 the following items on the agenda due to the involvement of her employer, the University of Sydney:

- Item 8.2, the University of Sydney is mentioned as one of the unsuccessful applicants for a Matching Grant;
- Item 8.3, the University was in a former partnership as part of the Australian Research Council grant project, but this is not relevant to the section that she is employed in;
- Item 8.4, the proposed travel to China includes a range of representatives from the University, but none from the section that she is employed in; and
- Item 8.5, representatives from the University made up part of the independent Social Sustainability Taskforce.

Councillor Scott also disclosed a less than significant, non-pecuniary interest in Item 9.2 on the agenda, in that she is a current financial member of one of the car share providers in the City of Sydney, and there are car share vehicles located on her street.

Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 8.4 on the agenda, in that he is on the Board of the China Studies Centre at the University of Sydney.

The Chair (the Lord Mayor) disclosed a less than significant, non-pecuniary interest in Item 9.2 on the agenda, in that she is member of a car share group.

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 AFFORDABLE HOUSING LEVY FOR CITY OF SYDNEY****FILE NO: S059651****MINUTE BY THE LORD MAYOR**To Council:

The cost of housing is at crisis point across Metropolitan Sydney –especially in the inner city. Over the past decade, there has been a 70 per cent growth in rents and a 65 per cent growth in the sale price of housing in the City. In 2013-2014 alone, sale prices for homes in the City grew by 11.6 per cent – nine times the average increase in earnings.

An Anglicare study in 2015 found that a couple with two young children on a minimum wage could afford just three per cent of Sydney's private rental properties without being in housing stress, and none of these are located in Sydney's inner ring.

Without affordable housing, a cohesive, equitable and successful city is not possible and Sydney is at risk of becoming an enclave for the wealthy.

Supporting key workers

An estimated 84 per cent of very low to moderate income households – including teachers, firefighters, police officers, nurses and others – suffer housing stress. We need these essential workers who keep our city running to be able to afford to live here.

This is why we were proud to partner with CityWest Housing to provide land at the former South Sydney Hospital site to be redeveloped for essential rental housing for low-income workers.

On 11 March 2016, the Hon. Brad Hazzard, Minister for Social Housing, and I recently opened this development. Designed by Kann Finch, it provides 104 units ranging from one to three bedrooms, catering for a mix of single people and families, with private and public outdoor spaces and bike parking.

What the City is doing

The City is using every mechanism available to increase affordable housing—but the State and Federal Governments are not doing enough. Global cities like New York and London are supported by their regional and national governments with proactive housing policies, backed by significant funding.

We need bipartisan leadership and collaboration from all levels of government to find innovative and effective solutions that deliver more affordable housing across the city.

Our Sustainable Sydney 2030 target is for 7.5 per cent of all housing in the City to be affordable housing, and 7.5 per cent to be social housing, by 2030. To meet this target, we need nearly 8,000 more affordable housing dwellings. The NSW Government's metropolitan plan, 'A Plan for Growing Sydney', also recognises that more needs to be done to meet the housing needs of people with very low, low and moderate incomes.

Currently the City has an affordable housing contributions scheme in Green Square, Ultimo/Pymont and the new Southern Employment Lands areas.

Expanding the Affordable Housing Levy citywide

The Green Square and Ultimo/Pymont schemes have contributed to the construction of over 850 affordable housing units, with an additional 550 dwellings in the development pipeline. The Southern Employment Lands scheme, which has recently been approved by Council and just commenced, will potentially add up to 900 units to our stock of affordable housing.

That's significant and valuable, but it's not enough—and demonstrates the need for expanding the levy across the Local Government Area.

In 2009, the City wrote to the former State Labor Government seeking support to extend the Green Square and Ultimo/Pymont affordable housing levies across the Local Government Area. We proposed that a new levy apply to all new development, requiring a monetary contribution or dedication of built units to an affordable housing provider.

The former government did not support extending the levy and, as a result, squandered the potential for affordable housing during the current housing boom.

I believe that the State Government could now reconsider extending the affordable housing levy and I propose Council endorse pursuing a cooperative approach to extend the use of affordable levies in response to the housing affordability crisis.

#### Urgent need

The lack of affordable housing directly risks the economic and social wellbeing of our City. It impacts on our ability to attract and retain a global workforce and undermines quality of life for many of our residents. Action is required by all levels of government in Australia.

The City will explore opportunities for more affordable housing, such as making sites we own available to community housing providers, providing financial support for affordable housing projects, and facilitating affordable housing development through planning controls and other support.

#### RECOMMENDATION

It is resolved that, in light of the affordable housing crisis, the Lord Mayor write to the NSW Government seeking the expansion of affordable housing levies across the City of Sydney and in other areas of metropolitan Sydney.

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 3.2 MOORE PARK UNDER THREAT****FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

In a visionary decision in 1811, Governor Lachlan Macquarie made a bequest of 405 hectares (1000 acres) of land, known as the Sydney Common, for “the benefit of the present and all succeeding inhabitants of Sydney”.

Moore Park was established in 1866 when 153 hectares of the north-west section of the Sydney Common were dedicated as recreational ground.

Now, two hundred years later, just a third of Governor Macquarie’s original 405 hectare bequest remains to provide Australia’s fastest growing urban communities with a vital green lung and indispensable public space for active and passive recreation.

By 2030, Green Square, which borders the park to the south-west, will be Australia’s most densely populated suburb, providing 30,500 new homes for up to 61,000 residents.

Persistent leaks to the media show that the Sydney Cricket and Sports Ground Trust (SCSGT) has a grand plan to seize control of precious passive and recreational open space at Moore Park for a massive spectator stadium and elite sporting complex.

The most serious threat is the aggressive campaign by the Sports Trust to build a new stadium on the Kippax Lake area of Moore Park as a replacement for Allianz Stadium. Once a new stadium is built, it is clear the Trust believes the existing site will be available for car parking and for elite sports training venues.

An SCSGT promotional video prepared as part of a pitch to the State Government, exposed by Radio National yesterday, outlined the spectacular land grab to build a massive “sport and entertainment hub” on Moore Park.

The leaked plans show a scheme to seize Moore Park West for sports fields and a 2,500 space underground car park, linked by a bridge across Anzac Parade to the sporting stadia, exactly where the Tibby Cotter Bridge has been built.

It appears that the bridge is part of the grand plan the SCSGT has sought to keep hidden from the public, with the public now fearing that the structure has been massively over-engineered to function as an access road for a future car park.

Construction on Tibby Cotter “bridge to nowhere” began in 2014 without a tender or clear rationale. The cost escalated from \$25 million to \$38 million and the process has been condemned by the Auditor General. Work began before public consultation occurred and strong public opposition was ignored.

The Tibby Cotter Bridge is rarely used as it does not link to cycle networks, and stadia patrons prefer to use the direct route via Drivers Triangle. The bridge significantly erodes public open space and required removal of Fig trees on either side of Anzac Parade. The damage from its construction has still not been repaired.



Anzac Parade was renamed in 1917 and planted as a grand boulevard of Fig trees in honour of the Anzac soldiers. Almost immediately after the survivors returned, they began to gather each year just north of the Kippax Lake area in the earliest commemorations of Anzac Day.

The memorial that marked the significance of this area was removed - during the anniversary of World War I - because it was in the way of the Tibby Cotter Bridge's construction. It remains in State Government storage, waiting for reinstatement or relocation.

Shockingly, the Sydney Cricket and Sports Ground Trust's grand takeover plan continues even though the Allianz Stadium rarely approaches its existing capacity. The efficient option is to upgrade the current stadium, rather than waste millions building a new larger stadium that will also struggle to attract crowds.

The government's limited funds for sports facilities can and should be spent where they are needed – in Sydney's west. Key rugby league clubs have made it clear they would prefer an upgrade to the ANZ Stadium at Homebush, given its proximity to their fans.

Despite the NSW Government's stated policy for a replacement stadium on the existing site, the NSW Sports Minister, Stuart Ayres, continues to promote the Kippax Lake scheme. He was recently reported as saying that a "historical governance model" of two Trusts should not constrain planning for the new stadium.

The NSW Government has a clear choice: act in the interests of powerful vested interests or act in the interests of the people of Sydney – both east and west – by protecting Moore Park and directing sports investment to western Sydney.

There is growing concern that the Centennial Park and Moore Park Trust is failing in its responsibility to protect the parklands and must take a stronger, public role defending our parklands.

Around 30 to 40 Fig trees in Centennial Park have been lost this year due to a major, late design change to the light rail that moved the route from the Royal Randwick Racecourse side to the Centennial Parklands side of Alison Road.

While I strongly support the need for new light rail, which has the potential to remove on-grass car parking from Moore Park, I continue to raise with Transport Minister Constance concerns about tree loss and impacts on Centennial and Moore Park.

The Altrac-led consortium, contracted to design and construct the CBD and South East Light Rail project, needs to amend the current plans to minimise impacts on the parklands. Altrac's proposals include inappropriate structures on Moore Park, which should be located elsewhere or underground.

In 2013, when the Centennial and Moore Park Trust was developing its Centennial Park Master Plan 2040, I raised concern that a plan for the future of Moore Park was not being developed at the same time to ensure planning was coordinated and Moore Park is treated with equal importance to the rest of the Centennial Parklands.

Last year, early drafts of a Moore Park Master Plan included massive new underground car parks in Moore Park West and a function centre on Mount Steele. These shocking proposals were abandoned following strong public opposition.

The subsequent draft Moore Park Master Plan publicly exhibited late last year remains inadequate, lacking essential data and research for a rigorous planning process.

It does not provide an integrated plan for the entire parklands and reinforces the long-standing public perception that Moore Park is considered less important with a primary role as 'cash cow' to fund the entire Centennial Parklands.

Most importantly, it will not provide the necessary protection from the predatory expansion plans of the Sydney Cricket and Sports Ground Trust.

I have fought to protect Centennial and Moore Park from overdevelopment and degradation for over 20 years in my capacity as State Member for Bligh and Sydney, and Lord Mayor. Unfortunately, we need to continue battling destructive proposals.

In 2010, the City hosted a successful public meeting to oppose Labor State Government plans to transfer control of Moore Park to the Sydney Cricket and Sports Ground Trust. That meeting effectively mobilised significant public support, including Former NSW Premier Neville Wran and Federal Member for Wentworth Malcolm Turnbull.

Given the ongoing threats to Moore Park, I propose the City hold a public meeting and help mobilise parklands supporters to send a clear message to the State Government that the community highly values the parklands and will resist proposals that threaten them.

#### RECOMMENDATION

It is resolved that Council approve:

- (A) a public meeting to be held as soon as possible on the threats to Moore Park;
- (B) the preparation and distribution of public materials informing the community of the proposals and what they can do, and promoting the public meeting;
- (C) a letter from the Lord Mayor to the Premier asking him to unequivocally rule out a new stadium at Moore Park and to direct sports stadium funding to western Sydney where it is needed; and
- (D) the Lord Mayor continuing to engage with the Minister for Transport to minimise impacts on Moore Park from the CBD and South East Light Rail project.

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.

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

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

It is resolved that Council approve:

- (A) a letter from the Lord Mayor to the Premier asking him to confirm whether there are plans for a new stadium at Moore Park; and

- (B) the Lord Mayor continuing to engage with the Minister for Transport to minimise impacts on Moore Park from the CBD and South East Light Rail project.

The amendment was lost on the following show of hands –

Ayes (3) Councillors Forster, Mandla and Vithoukias.

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

Amendment lost.

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.

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

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

**ITEM 5     MATTERS FOR TABLING**

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

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 - 14 MARCH 2016**

PRESENT

Councillor Clover Moore  
(Chair)

Councillor Robert Kok  
(Deputy Chair)

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

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

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

**Closed Meeting**

At 2.21pm, the Corporate, Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss confidential Attachment A to Item 6.8 on the agenda.

**Open Meeting**

At 2.23pm, the Corporate, Finance, Properties and Tenders Committee was reopened to the public.

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 2.24pm.

Report of the Corporate, Finance, Properties and Tenders Committee

Moved by Councillor Kok, seconded by Councillor Green -

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 14 March 2016 be received, and the recommendations set out below for Items 6.2 and 6.4 to 6.13 inclusive be adopted, with Item 6.1 being noted, and Item 6.3 being dealt with as shown immediately following that item.

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****INVESTMENTS HELD AS AT 29 FEBRUARY 2016 (S034147)**

It is resolved that the Investment Report as at 29 February 2016 be received and noted.

Carried unanimously.

**ITEM 6.3****REVIEW OF THE INVESTMENT POLICY AND STRATEGY FOR THE MANAGEMENT OF COUNCIL'S SURPLUS FUNDS (S108222)**

It is resolved that Council adopt the Investment Policy and the Investment Strategy, for the management and investment of Council's surplus funds, as shown at Attachments A and B respectively to the subject report.

Note – the recommendation of the Corporate, Finance, Properties and Tenders Committee was not adopted.

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

It is resolved that Council adopt the Investment Policy and the Investment Strategy, for the management and investment of Council's surplus funds, as shown at Attachments A and B respectively to the subject report, subject to, in Attachment B, replacing the existing paragraphs under the heading "Environmentally and Socially Responsible Investments" on page 6 with:

Council's ability to acquire environmentally and socially responsible investments within the current investment and policy environment remains limited, as:

- the structure of many of these investments remains prohibited under the current Ministerial Investment Order; and
- the global financial crisis caused significant declines in the valuation of the financial assets that comprise many of these investments.

Council will, however, continue to explore opportunities for supporting environmentally and socially responsible investments within these constraints. The investment climate is changing over time and Council notes that many large scale renewable projects are expected to evolve, which may offer sustainable investment opportunities in the future. Council will continue to encourage and openly consider these investments where they comply with the Ministerial Investment Order and satisfy Council's policy and investment objectives.

Carried unanimously.

**ITEM 6.4**

**PROPOSED NAMING OF AN UNNAMED ROAD OFF NELSON STREET, ANNANDALE  
- POST EXHIBITION (X000571)**

It is resolved that:

- (A) approval be given to proceed with the naming of the unnamed public road linking Nelson Street, Annandale with the Harold Park Tramsheds development in Forest Lodge as "Dalgai Way; and
- (B) notice of the new name is to be published in the NSW Government Gazette, a local newspaper and notification forwarded to the relevant authorities, in accordance with the requirements of the Roads Regulation 2008.

Carried unanimously

**ITEM 6.5**

**LAND CLASSIFICATION CHANGE - 200 GEORGE STREET, SYDNEY (S121300)**

It is resolved that Council:

- (A) publicly notify "The Council has acquired a property at 200 George Street, Sydney, being Lot 2 in the plan of survey at Attachment C and classify the acquired land, detailed herein as operational land in accordance with section 31 of the Local Government Act 1993"; and
- (B) note that a further report, to inform the outcomes of public notification and recommendation on land classification, will follow the notification period.

Carried unanimously.

**ITEM 6.6**

**TRANSFER OF CITY-OWNED LIQUOR LICENCES TO CUSTOMS HOUSE TENANTS  
CUSTOMS HOUSE CAFÉ PTY LIMITED AND CIRCULAR QUAY BAR PTY LIMITED  
(S099079)**

It is resolved that:

- (A) Council approve the transfer of liquor – on-premises licence from the City of Sydney Council to Customs House Café Pty Limited;
- (B) Council approve the transfer of liquor – on-premises licence from the City of Sydney Council to Circular Quay Bar Pty Limited; and
- (C) authority be delegated to the Chief Executive Officer to finalise the terms of this transfer and variation of tenant sub leases required to accommodate this transfer.

Carried unanimously.



**ITEM 6.7****TENDER – BAY STREET DEPOT UPGRADE (\$119435)**

It is resolved that:

- (A) Council reject the tenders received for the construction of Bay Street Depot upgrade at 10-16 Bay Street, Ultimo, for the reasons set out in confidential Tender Evaluation Summary, Attachment B to the subject report;
- (B) Council not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable contractors over and above those that have responded to this tender;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations and contracts with a suitably qualified contractor to undertake the scope of works and execute and administer the contracts relating to the works; and
- (D) Council be informed of the successful contractor by way of a CEO Update.

Carried unanimously.

**ITEM 6.8****TENDER - CAPITAL WORKS PROGRAMMING SERVICES - CITY PROJECTS AND PROPERTY (\$062965)**

It is resolved that:

- (A) Council accept the tender of Tenderer 'A' for the supply of programming services for City Projects and Property for a period of two years, with the option of an extension for 12 months, if appropriate;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

**ITEM 6.9****TENDER - BRONZE MONUMENT CONSERVATION WORK – IL PORCELLINO, SHAKESPEARE MEMORIAL AND EDWARD VII (\$065086.001)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for bronze monument conservation work to Il Porcellino, Shakespeare Memorial and Edward VII; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

**ITEM 6.10**

**TENDER - DESIGN CONSULTANCY SERVICES FOR THE CUSTOMS HOUSE FAÇADE PROJECT (X002627.008)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the design consultancy services for the Customs House Façade Conservation 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 6.11**

**TENDER - CONSTRUCTION CONTRACT - NEWCOMBE STREET PADDINGTON - PARTIAL ROAD OPENING AND CLOSURE (S111249.001)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Newcombe Street, Paddington partial road opening and closure 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 6.12**

**EXEMPTION FROM TENDER – CAPABILITI LEARNING MANAGEMENT SYSTEM (S094474)**

It is resolved that:

- (A) Council approve an exemption from tender, noting that, because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
- (B) Council note the reasons why a satisfactory result would not be achieved by inviting tenders are:
  - (i) the tender for an integrated HR Information System, including Learning Management, is already underway; and
  - (ii) the extension of the contract with Veritec Pty Ltd will ensure continuity of Learning Management services during the transition to the new HRIS; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the variation to the contract with Veritec Pty Ltd for the purpose of supplying the Capabiliti LMS learning management system for a term of one year and for a contract sum as indicated in confidential Attachment A to the subject report, and otherwise on terms acceptable to the City.

Carried unanimously.

**ITEM 6.13****EXEMPTION FROM TENDER – MERCURY E-RECRUITMENT SYSTEM (S075990)**

It is resolved that:

- (A) Council approve an exemption from tender, noting that, because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
- (B) Council note the reasons why a satisfactory result would not be achieved by inviting tenders are:
  - (i) the tender for an integrated HR Information System, including Recruitment Management, is already underway; and
  - (ii) the extension of the contract with Mercury Search and Selection Pty Ltd will ensure continuity of Recruitment Management services during the transition to the new HRIS; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the variation to the contract with Mercury Search and Selection Pty Ltd for the purpose of supplying and upgrading the Mercury e-Recruit recruitment management system for a term of one year and for a contract sum as indicated in confidential Attachment A to the subject report, and otherwise on terms acceptable to the City.

Carried unanimously.

**ITEM 7 REPORT OF THE ENVIRONMENT COMMITTEE - 14 MARCH 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 Vithoukias.

At the commencement of business at 2.25pm those present were -

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

The meeting of the Environment Committee concluded at 2.29pm.

Report of the Committee

Moved by Councillor Doutney, seconded by Councillor Green -

That the report of the Environment Committee of its meeting of 14 March 2016 be received, and the recommendation set out below for Item 7.2 be adopted, with Item 7.1 being noted.

Carried.

**ITEM 7.1**

**DISCLOSURES OF INTEREST**

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

The Committee recommended the following:

**ITEM 7.2**

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

It is resolved that:

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

<b>Applicant</b>	<b>Project Name</b>	<b>Project Description</b>	<b>\$ Amount Recommended</b>	<b>VIK Recommended</b>	<b>Conditions</b>
Edge Environment Pty Ltd	Recycling Engineered Timber from Office Strip-out	A feasibility study investigating the development of non-structural products made from recycled timber from commercial office strip-outs in the LGA.	<b>\$20,000</b>	<b>Nil</b>	Nil

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

Carried unanimously.

**ITEM 8 REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 14 MARCH 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 2.30pm those present were -

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

**Adjournment**

At 4.10pm, 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 no longer than 15 minutes.

Carried.

At the resumption of the meeting of the Cultural and Community Committee at 4.23pm, those present were –

The Lord Mayor, Councillors Doutney, 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 8.3 be brought forward and dealt with before Item 8.2 and Item 8.5 be brought forward and dealt with before Item 8.4.

The meeting of the Cultural and Community Committee concluded at 4.37pm.

Report of the Committee

Moved by Councillor Green, seconded by Councillor Doutney -

That the report of the Cultural and Community Committee of its meeting of 14 March 2016 be received, and the recommendations set out below for Items 8.2 and 8.3 be adopted, with Item 8.1 being noted, and Items 8.4 and 8.5 being dealt with as shown immediately following those items.

Carried unanimously.

**ITEM 8.1****DISCLOSURES OF INTEREST**

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in several items on the agenda due to the involvement of her employer, the University of Sydney, in various ways as follows:

- Item 8.3, the University was a joint partner in the Australian Research Council grant project from which the Dictionary of Sydney originated, but this did not involve the section of the University that she is employed in;
- Item 8.4, the travel to China is proposed to be a joint trip involving a range of representatives from the University, but none are from the section of the University that she is employed in; and
- Item 8.5, representatives from the University made up part of the independent Social Sustainability Taskforce that informed the City's draft Social Sustainability Policy and Discussion Paper.

Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 8.4 on the agenda, in that he is on the Panel of Advisors for the China Studies Centre at the University of Sydney.

At a later stage of the meeting, Councillor Scott also disclosed a less than significant, non-pecuniary interest in Item 8.2 on the agenda, in that the University of Sydney is partnering with Kings Community Limited, which is one of the unsuccessful applicants under the Fourth Allocation of the Matching Grant Program for 2015/16.

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

The Committee recommended the following:

**ITEM 8.2****GRANTS AND SPONSORSHIP – FOURTH ALLOCATION OF 2015/16 MATCHING GRANT PROGRAM AND AWARDING OF THREE GRANTS UNDER OTHER PROGRAMS (\$117676)**

It is resolved that:

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

<b>Applicant</b>	<b>Project Name</b>	<b>Project Description</b>	<b>\$ Amount Recommended</b>	<b>VIK Recommended</b>	<b>Conditions</b>
ACON Health Limited	"Talk, Touch, Test" Lesbian and Same-Sex Attracted Women's Breast Cancer Campaign	An event in Newtown to launch a breast cancer awareness campaign for Lesbians and Same-Sex Attracted Women (LSSAW).	<b>\$3,500</b>	<b>Nil</b>	Nil
ANTaR Incorporated	Sea of Hands Reconciliation Week Concert at Barangaroo Point	A concert and art installation at Barangaroo Point Reserve to celebrate Aboriginal and Torres Strait Islander culture as part of National Reconciliation Week 2016.	<b>\$5,000</b>	<b>Nil</b>	Organisation to submit a revised budget
Australian Rugby League Commission	U18 Redfern Harmony Nines	A free community event and tournament in Redfern to encourage the inclusion of culturally and linguistically diverse (CALD) young people and their families in Rugby League.	<b>\$9,100</b>	<b>Nil</b>	Organisation to provide quotes No recurring funding
Belinda Mason Photography Proprietary Limited	Serving Country	An exhibition of photographic portraits and digital media interviews of Aboriginal and Torres Strait Islander service men and women at the Redfern Community Centre, including an outdoor interactive photographic studio.	<b>\$2,500</b>	<b>Nil</b>	Applicant to resubmit budget Applicant to provide evidence of photography subjects or their families permission for the images to be used and published



Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Dr Egg Digital	Dr Egg Science Game Jam	An event for young people run during Science week to participate in and test the development of digital science games at the Museum of Applied Arts in Ultimo and the Garvan Institute for Medical Research in Darlinghurst.	<b>\$7,920</b>	<b>Nil</b>	Organisation to resubmit budget Organisation to confirm funding from the Australia Council of the Arts Organisation to survey participants post event
Erskineville PS P&C Association	Erksineville History: Our Neighborhood	A community event as part of History Week to celebrate the history of Erksineville and Erksineville Public School, including a history tour, lecture, exhibitions and film screening.	<b>\$4,980</b>	<b>Nil</b>	Organisation to consult with the City's Urban Design and Heritage Manager
Fusion Magic Club	The One World Magic Show	Born from the 2015 Living in Harmony Festival, the Fusion Magic Club explores how artistic expression builds community harmony, by sharing magic, illusions and physical theatre from diverse cultures such as Tai Chi, Peking Opera, Butoh and Commedia dell'arte.	<b>\$7,450</b>	<b>Nil</b>	Organisation to submit a revised budget and quotes Upon conclusion of the project equipment to be placed in the City's community centres
Glebe Salon Strings	Glebe Salon Strings Winter Concert 2016	A concert to showcase and promote an inclusive local community orchestra in Glebe.	<b>\$219</b>	<b>Venue hire waiver of Benledi House up to the value of \$992</b>	Nil

<b>Applicant</b>	<b>Project Name</b>	<b>Project Description</b>	<b>\$ Amount Recommended</b>	<b>VIK Recommended</b>	<b>Conditions</b>
Language Festival Association	Sydney Language Festival	A multicultural and age inclusive educational event at the Redfern Community Centre that explores language diversity through discussion and performance.	<b>\$920</b>	<b>Venue hire waiver of Redfern Community Centre up to the value of \$580</b>	No recurring funding
Milk Crate Theatre	Stage Door Program	A free theatre workshop program for those who identify with or are at risk of homelessness in Kings Cross, Woolloomooloo and Newtown.	<b>\$10,000</b>	<b>Nil</b>	Organisation to advise on their strategy to reach out to new clients Organisation to submit a revised budget
M.T Marsden & P.A Meredith trading as Blackcat Productions	Catherine Deveny's Pushy Women	Following successful events in Melbourne and Marrickville, Pushy Women will explore the experience of riding by women of all ages, in partnership with community organisations.	<b>\$4,670</b>	<b>Nil</b>	Nil
Nutrition Australia NSW	Multicultural Healthy Cooking Program	A program to improve the nutritional knowledge and cooking skills of adults and children from diverse cultural backgrounds in Redfern.	<b>\$8,500</b>	<b>Venue hire waiver of Redfern Community Centre up to the value of \$770</b>	Organisation to consult with the City Spaces team Organisation to confirm Working with Children checks Project evaluation to capture changes in participants' food and nutrition literacy and cooking skills as a result of the program

<b>Applicant</b>	<b>Project Name</b>	<b>Project Description</b>	<b>\$ Amount Recommended</b>	<b>VIK Recommended</b>	<b>Conditions</b>
Parliament On King	The Hope Dinners	A program of hospitality training and social dinner events initiated by asylum seekers and refugees in Newtown to overcome barriers to community participation.	<b>\$10,000</b>	<b>Nil</b>	Organisation to resubmit budget Organisation to consult with the City's Social Policy Officer
Refugee Council of Australia	Launch of Refugee Week 2016	A launch event including speakers and performers for Refugee Week at Sydney TAFE to celebrate positive contributions made by refugees to Australian society.	<b>\$10,000</b>	<b>Nil</b>	Organisation to liaise with the City's Social Policy Officer to coordinate promotion of the event with the City's events during Refugee Week 2016 Organisation to resubmit budget with quotes
South Eastern Community Connect	Baby Shed	An accessible community parenting program for new fathers run over three weeks in Rosebery.	<b>\$2,720</b>	<b>Nil</b>	No recurring funding Organisation to consult with the City's Area Manager – South regarding project sustainability
South Sydney Community Aid Co-op Ltd	Redfern Waterloo Photo Project	A community photography exhibition to showcase the current landscape of the Redfern and Waterloo area and to be displayed at local galleries.	<b>\$9,000</b>	<b>Nil</b>	Organisation to resubmit budget and provide quotes Organisation to consult with the City's Historian

<b>Applicant</b>	<b>Project Name</b>	<b>Project Description</b>	<b>\$ Amount Recommended</b>	<b>VIK Recommended</b>	<b>Conditions</b>
Starving Artists Collective Inc.	Ultimo Arts Co-op	Classes at the Ultimo Community Centre for people experiencing disadvantage, focusing on art, design, marketing and business skills, as well as a community exhibition and market to showcase participant's work.	<b>\$6,736</b>	<b>Venue hire waiver of Ultimo Community Centre up to the value of \$3,264</b>	Organisation to resubmit budget and quotes
Street Library	Street Library establishment	A free book borrowing scheme and series of workshops in City of Sydney locations to foster connections within local communities through the construction of individual libraries.	<b>\$7,500</b>	<b>Nil</b>	Organisation to submit revised budget Organisation to consult with City library staff regarding best practice and development of a community library management guide
SUPPORT Opportunity and Care inc.	Integrated Care	A personal development program delivering mental health services to residents of the City of Sydney who identify with mental illness, focusing on Waterloo, Redfern and Green Square.	<b>\$8,460</b>	<b>Nil</b>	Organisation to resubmit budget

<b>Applicant</b>	<b>Project Name</b>	<b>Project Description</b>	<b>\$ Amount Recommended</b>	<b>VIK Recommended</b>	<b>Conditions</b>
Sydney Greeters	Sydney Greeters 2016	A service providing personalised tours of the local area for visitors to Sydney by volunteers.	<b>\$5,000</b>	<b>Nil</b>	Organisation to provide details of fundraising activities and objectives Organisation to submit revised budget No recurring funding
THE COMMUNE COLLECTIVE PROPRIETARY LIMITED	COMMUNE Locally Made	A pop up market for the community in Newtown and Erskineville supporting and showcasing local emerging makers of crafts, design, music, fashion, food and beverages.	<b>\$10,000</b>	<b>Nil</b>	No recurring funding
The Living Room Theatre	Black Crows Invaded Our Country	An interactive art installation at the University of Sydney that will merge academic research on human migration with poetry, performance and music.	<b>\$7,000</b>	<b>Nil</b>	Nil
Vertical Circus (auspiced by Glebe Youth Service Incorporated)	Climb High Expressive Stories (CHES)	A program of circus skills, performance making and storytelling for young people who are experiencing disadvantage in Glebe and Green Square, including a performance for the community.	<b>\$4,975</b>	<b>Nil</b>	Organisation to liaise with the City's Youth Team Leader (Area – West) Organisation to confirm Working with Children checks

<b>Applicant</b>	<b>Project Name</b>	<b>Project Description</b>	<b>\$ Amount Recommended</b>	<b>VIK Recommended</b>	<b>Conditions</b>
Weave Youth & Community Services	Life & Dance - A partnership between Weave Youth & Community Services and The Australian Ballet	Dance workshops in Redfern and Waterloo for disadvantaged Indigenous children and young people to be coached and educated by professional dancers from The Australian Ballet.	<b>\$5,000</b>	<b>Nil</b>	Organisation to confirm Working with Children checks

- (B) Council note that all grant amounts in clause (A) are exclusive of GST and all value-in-kind offered is subject to availability;
- (C) Council approve a cash grant of up to \$4,750 (excluding GST) under the Business Improvement Grant Program to In the Pipeline (Arts) Ltd for the procurement of acoustic advice relating to Hayes Theatre Co;
- (D) Council approve a cash grant of \$50,000 (excluding GST) under the Cultural and Creative Grants and Sponsorship Program to Carriageworks Limited for the Black Arts Market 2016;
- (E) Council approve a grant of up to \$150,000 (excluding GST) in value-in-kind for venue hire waiver under the Festivals and Events (Artform) Sponsorship Program to Sydney Singing Limited for Sydney Sings;
- (F) Council approve the hosting of a civic reception to welcome international artists as part of Sydney Sings; and
- (G) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with each organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy.

Carried unanimously.

### **Speakers**

Mr Leo Schofield addressed the meeting of the Cultural and Community Committee on Item 8.2.

**ITEM 8.3****DICTIONARY OF SYDNEY – TRANSITIONAL FUNDING 2016/17 (S043973)**

It is resolved that:

- (A) Council approve a one-off cash grant to the Dictionary of Sydney Inc of \$164,000 (excluding GST) to be applied towards the Dictionary's transition and operational costs from 1 July to 31 December 2016 to allow the transition of the Dictionary of Sydney to the State Library of NSW;
- (B) Council extend the Dictionary of Sydney's current grant and lease agreement for space at Benledi House, Glebe, at a 100 per cent rental subsidy under the Accommodation Grants Program for an additional six months to end on 31 December 2016, which represents a value of \$8,063;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer an agreement with the Association; and
- (D) the Lord Mayor write to the NSW Minister for Arts and Shadow Minister for Arts to thank the State Library of NSW for their commitment to embed the Dictionary site within the Library and request that provision be made to employ the staff of the Dictionary of Sydney whose skill and expertise are integral to the Dictionary.

Carried unanimously.

**Speakers**

Ms Jacqueline Spedding and Ms Suzanne Rickard addressed the meeting of the Cultural and Community Committee on Item 8.3.

**ITEM 8.4****INTERNATIONAL TRAVEL – CHINA – 30TH ANNIVERSARY OF THE SYDNEY-GUANGZHOU SISTER CITY RELATIONSHIP (S125323)**

It is resolved that Council:

- (A) endorse the Lord Mayor, Councillor Robert Kok, two Lord Mayoral/Councillor support staff and an interpreter to travel to Guangzhou to participate in the 30<sup>th</sup> Anniversary Sister City Program in May/June 2016, as well as visit other cities in China if the itinerary allows;
- (B) note that the visits to other cities within China will be confirmed when available; and
- (C) note that the Lord Mayor and Councillor Kok will provide a report to Council after the travel.

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

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

The motion was carried on the following show of hands -

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

Noes (2) Councillors Forster and Mandla.

Motion carried.

#### **ITEM 8.5**

#### **SOCIAL SUSTAINABILITY DRAFT POLICY AND DISCUSSION PAPER – PUBLIC EXHIBITION (S120601.007)**

It is resolved that:

- (A) Council approve the draft Social Sustainability Policy and Discussion Paper, as shown at Attachments A and B respectively to the subject report, for public exhibition for seven weeks from 29 March 2016; and
- (B) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments to the documents detailed in clause (A) prior to their public exhibition.

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

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

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

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

It is resolved that:

- (A) Council request that the Principles of the draft Social Sustainability Policy and Discussion Paper be amended to include a new, separate principle dedicated to reducing inequality in the City in all its forms;
- (B) Council approve the draft Social Sustainability Policy and Discussion Paper, as shown at Attachments A and B respectively to the subject report and as amended by the previous clause of this resolution, for public exhibition for seven weeks from 29 March 2016; and
- (C) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments and amendments to the Principles as resolved by clause (A) to the documents detailed in clause (B) prior to their public exhibition.

Following discussion, and with the consent of the seconder of her amendment, Councillor Scott withdrew her amendment.

Variation. At the request of the Chair (the Lord Mayor), and by consent, the motion was varied by the addition of clause (C) as follows –



- (C) the Chief Executive Officer be authorised to make amendments to increase the clarity of the fundamental principal role of the Discussion Paper, which is to reduce inequality in the City in all its forms.

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

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

It is resolved that:

- (A) Council approve the draft Social Sustainability Policy and Discussion Paper, as shown at Attachments A and B respectively to the subject report, for public exhibition for seven weeks from 29 March 2016;
- (B) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments to the documents detailed in clause (A) prior to their public exhibition; and
- (C) the Chief Executive Officer be authorised to make amendments to increase the clarity of the fundamental principal role of the Discussion Paper, which is to reduce inequality in the City in all its forms.

### **Speakers**

Mr Lachlan McDaniel, Dr Susan Goodwin, Mr Paul Nunnari, Mr Ben Gales, Ms Tonja Gibson, Ms Kait Gotham, Mr Daryl Smith, Mr Zaki Haidari and Mr Frank Stilwell addressed the meeting of the Cultural and Community Committee on Item 8.5.

### **Adjournment**

At this stage of the meeting, at 6.25pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately 15 minutes.

Carried.

At the resumption of the meeting of Council, at 6.43 pm, those present were –

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

**ITEM 9 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 15 MARCH 2016**

PRESENT

The Lord Mayor Councillor Clover Moore  
(Chair)

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

At the commencement of business at 4.05pm those present were:

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

**Apologies**

Councillor Edward Mandla extended his apologies for his inability to attend the meeting of the Planning and Development Committee due to the birth of his son that morning.

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

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

Carried unanimously.

**Adjournment**

At 5.30pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Mant -

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

Carried.

At the resumption of the meeting of the Planning and Development Committee at 5.45pm, those present were:

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

**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 4.07pm.

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

The Development Assessment Sub-Committee, with Councillor Mant as Deputy Chair, commenced at 6.43pm.

### **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. Car Sharing Policy Review
3. Millers Point Conservation Area – Amendment to Planning Controls – Revision of Planning Proposal
6. Development Application: 45 Cooper Street Surry Hills
7. Development Application: 64-66 Cook Road Centennial Park
8. Development Application: Units 16-20 – 1A Coulson Street Erskineville
9. Development Application: 134-136 Botany Road Alexandria
10. Development Application: 93 St Johns Road and 3 and 5 Reuss Street Glebe
11. Development Application: 292 King Street Newtown
12. Development Application: 19 Regent Street Paddington
13. Development Application: 6 Victoria Street Beaconsfield
14. Development Application: 2-14 Kings Cross Road Potts Point – The Larmont Hotel
15. Development Application: 9 Northcote Road Glebe
4. Post Exhibition – Heritage Floor Space Amendments to Sydney Local Environmental Plan 2012
5. Report of the Operations of the Section 82A and Section 96AB Review Panel - 2015

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 7.20pm.

### **ITEM 9.1**

#### **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 9.2 on the agenda as she is a member of GoGet, a car share provider, and there are two GoGet vehicles located on her street.

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

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

No disclosures were made by any members of the public at this meeting of the Planning and Development Committee.

Report of the Transport, Heritage and Planning Sub-Committee

Moved by Councillor Mant, seconded by Councillor Scott -

That the report of the Transport, Heritage and Planning Sub-Committee of its meeting of 15 March 2016 be received, with Item 9.1 being noted, the recommendations set out below for Items 9.4 and 9.5 being adopted, and Items 9.2 and 9.3 being dealt with as shown immediately following those items.

Carried unanimously.

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

**ITEM 9.2**

**CAR SHARING POLICY REVIEW (S116884)**

The Transport, Heritage and Planning Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 21 March 2016.

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

It is resolved that Council approve the Draft Car Sharing Policy 2016, as shown at Attachment A to the subject report, for public exhibition for a period of 60 days.

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

It is resolved that Council approve the Draft Car Sharing Policy 2016, as shown at Attachment A to the subject report, for public exhibition for a period of 60 days, subject to in Part 5, Management and Termination, replacing the existing words under the sub-heading "City's right to terminate" with the following statement:

The City may, at its discretion, elect to undertake an Expression of Interest for the use of any or all car sharing spaces, and that this Expression of Interest process may commence on or after June 30, 2020.

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

**Speakers**

Mr Knowles Tivendale and Mr Will Davies addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.2.

**ITEM 9.3**

**MILLERS POINT CONSERVATION AREA - AMENDMENT TO PLANNING CONTROLS  
- REVISION OF PLANNING PROPOSAL (S122551)**

It is resolved that:

- (A) Council approve Planning Proposal: Sydney Local Environmental Plan 2012 – Millers Point Amendment, 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 – Millers Point Amendment for public authority consultation and public exhibition in accordance with any conditions imposed under 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 to put into effect Planning Proposal: Sydney Local Environmental Plan 2012 – Millers Point Amendment; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: Sydney Local Environmental Plan 2012 – Millers Point Amendment following receipt of the Gateway Determination.

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

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

The motion was carried on the following show of hands –

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

Noes (2) Councillors Forster and Mandla.

Motion carried.

### **Speakers**

Ms Sandra Rowell addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.3.

### **ITEM 9.4**

#### **POST EXHIBITION - HERITAGE FLOOR SPACE AMENDMENTS TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 (X001004)**

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Planning Proposal: Heritage Floor Space amendments to Sydney Local Environmental Plan 2012 and the Draft Alternative Heritage Floor Space Allocation Scheme, as shown at Attachment A to the subject report;
- (B) Council approve the Planning Proposal: Heritage Floor Space amendments to Sydney Local Environmental Plan 2012, 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 adopt the Alternative Heritage Floor Space Allocation Scheme, as shown at Attachment C to the subject report, to guide the preparation of planning agreements in respect of heritage floor space allocation; and
- (D) authority be delegated to the Chief Executive Officer to make any minor changes to Planning Proposal: Heritage Floor Space amendments to Sydney Local Environmental Plan 2012 to correct drafting errors prior to finalisation of the local environmental plan.

Carried unanimously.

#### **ITEM 9.5**

##### **REPORT OF THE OPERATIONS OF THE SECTION 82A AND SECTION 96AB REVIEW PANEL - 2015 (S111724)**

It is resolved that the subject report be received and noted.

Carried unanimously.

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

Moved by Councillor Kok, seconded by Councillor Scott -

That the report of the Major Development Assessment Sub-Committee of its meeting of 15 March 2016 be received, with the recommendations set out below for Items 9.6 and 9.9 being adopted, and Items 9.7 and 9.8 being dealt with as shown immediately following those items.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

#### **ITEM 9.6**

##### **DEVELOPMENT APPLICATION: 45 COOPER STREET SURRY HILLS (D/2015/1594)**

It is resolved that consent be refused for Development Application No. D/2015/1594 for the following reasons:

##### **(1) Stage 1 DA considerations**

A stage 1 DA (under Clause 7.20 of Sydney Local Environmental Plan 2012 (SLEP 2012)) is required for this application and has not been submitted. The requested waiver of this requirement is not supported, as the proposal raises fundamental envelope issues that have not been resolved which result in significant adverse amenity impacts.

**(2) Contravention of Development Standard – FSR**

- (a) The proposed variation to the Development Standard for FSR under Clause 4.6 of the SLEP 2012 is not supported. This is because the Standard is considered to be reasonable and necessary and the proposal will have adverse amenity impacts to surrounding buildings, including loss of cross ventilation, sunlight, daylight access and outlook.
- (b) The proposal is contrary to the objectives contained in Clause 4.4 Floor space ratio of SLEP 2012.

**(3) Amenity Impacts**

- (a) The proposal will reduce daylight and solar access to living areas and internal areas of the adjoining units at 47-53 Cooper Street, 32-40 Holt Street and 42-44 Holt Street Surry Hills; this does not meet 3B-2 of the Apartment Design Guide. The overbearing structure would remove district outlook to their windows and side balconies.
- (b) The proposal represents an excessive level of bulk for the site and would have an unreasonable visual impact.
- (c) The proposal reduces privacy to the neighbouring property at 47-53 Cooper Street to an unreasonable level.
- (d) The proposal fails to satisfy amenity requirements of SEPP 65 and the Sydney Development Control Plan 2012 (SDCP 2012), as it provides inadequate common open space and insufficient deep soil planting.
- (e) The proposed basement level of the development requires the removal of a significant street tree (shown in photomontage). This will reduce visual amenity to the streetscape.

**(4) State Environmental Planning Policy 65: Design Quality of Residential Apartment Development**

The proposal does not perform acceptably in relation to the design quality principles of SEPP 65. In particular, the proposal will have unreasonable adverse impacts upon the adjoining property at 47-53 Cooper Street because the proposal does not allow for adequate building separation. Also, the proposal does not include a reasonable level of communal open space with adequate deep soil areas or landscaping.

**(5) Character of the area**

The proposed built form is incompatible with the existing and desired future character of the area. As such, it is inconsistent with the aims of the SLEP 2012 and SDCP 2012.

**(6) Heritage**

- (a) The proposal fails to provide a sympathetic infill building that meets design requirements.

- (b) The applicant has not demonstrated that the proposal will not compromise the heritage significance of the area and, as such, does not meet the aims and objectives of Section 3.9 of the SDCP 2012.
- (c) The proposal fails to justify the demolition of a building / cart way that is over 130 years old at this time.

**(7) The public interest and the Objects of the Act**

This application considers a non-compliant proposal that has significant adverse amenity impacts and will set an undesirable precedent for adjoining sites and is not in the public interest.

Carried unanimously.

**Speakers**

Mr Tim Noonan, Mr Alan Himsworth, Ms Corinne Schwartz and Ms Melissa Lockie addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.6.

**ITEM 9.7**

**DEVELOPMENT APPLICATION: 64-66 COOK ROAD CENTENNIAL PARK (D/2015/860)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 21 March 2016.

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

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 'Height of buildings' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/860, subject to the conditions as detailed in the subject report to the Planning and Development Committee on 15 March 2016, amended as follows by the insertion of a Condition (44A), (with additions shown in ***bold italics***):



**(44A) CONSTRUCTION LIAISON COMMITTEE**

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

Carried.

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

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 'Height of buildings' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/860, 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/2015/860 dated 24 June 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
A-110-010 Rev C	Fox Johnston	05/02/16
A-110-011 Rev D	Fox Johnston	18/02/16
A-110-012 Rev C	Fox Johnston	05/02/16
A-110-013 Rev C	Fox Johnston	05/02/16
A-110-014 Rev C	Fox Johnston	05/02/16
A-110-015 Rev C	Fox Johnston	05/02/16
A-110-016 Rev C	Fox Johnston	05/02/16
A-210-001 Rev C	Fox Johnston	05/02/16
A-210-002 Rev C	Fox Johnston	05/02/16
A-210-003 Rev C	Fox Johnston	05/02/16
A-210-004 Rev C	Fox Johnston	05/02/16
A-210-005 Rev C	Fox Johnston	05/02/16

and as amended by the conditions of this consent.

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

**(2) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) All bedrooms within the development must be increased in size to at least 3 metres in depth and width (excluding wardrobes).
- (b) The balconies of apartment numbers 9 and 13 must be increased in size to at least 8 square metres whilst ensuring that the size of those apartments are at least 50 square metres in area.

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

**(3) MATERIALS AND SAMPLES BOARD**

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

**(4) STORAGE PROVISION**

Storage within each of the apartments must be provided in accordance with the following schedule:

- (a) Apartments 1, 2, 3, 4, 7, 8, 10, 11, 12 and 14 – at least 4m<sup>3</sup>
- (b) Apartments 5, 6, 9 and 13 – at least 3m<sup>3</sup>
- (c) Apartment 15 – at least at least 5m<sup>3</sup>

Prior to an Occupation Certificate being issued, the Certifying Authority must ensure that this storage has been provided.

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$9,981.08
Public Domain	\$19,244.52
New Open Space	\$156,580.13
Accessibility	\$1,579.52
Management	\$1,707.82
Total	\$189,093.07

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 made 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](mailto: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) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 73.6 (AHD) to the top of the building and RL 74.3 (AHD) to the top of the lift overrun.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

## **(7) FLOOR SPACE RATIO**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the development must not exceed 1.5:1, calculated in accordance with Clause 4.4 of the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area is 1,116sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

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

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

**(9) PARKING ON COMMON PROPERTY AREAS**

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

**(10) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (on ground floor level and levels 1 to 3) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from permanent residential accommodation. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building.

**(11) 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.

**(12) RESTRICTION ON USE OF CAR SPACES AND STORAGE SPACES**

The following conditions apply to car parking spaces and storage spaces:

- (a) The on-site car parking spaces and storage spaces are not to be used other than resident of the subject building for either parking of vehicles or, in the case of storage spaces, the storage of items related to the residence in the unit with which the space is associated.
- (b) Any strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking and storage allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking or storage part lots in the strata plan.

**(13) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**

Accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable apartments. Where allocated to adaptable apartments, the apartment(s) and car spaces must be assigned to the apartment in any future strata subdivision of the building.

**(14) 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.

**(15) ALLOCATION OF PARKING**

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

Car Parking Type	Number
Residential spaces	11
Accessible residential spaces	2
Residential visitor spaces	0
Accessible residential visitor spaces	1
<b>Subtotal</b>	<b>14</b>
Motorcycle parking	2
<b>Total</b>	<b>16</b>

**(16) ASSOCIATED ROADWAY COSTS**

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

**(17) BICYCLE PARKING**

- (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	15	Spaces must be a class 1 bicycle locker [1]
Residential visitor	2	Spaces must be Class 3 bicycle rails

Notes:

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

**(18) 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.

**(19) COST OF SIGNPOSTING**

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

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

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

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

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

**(22) 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.

**(23) 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.

**(24) 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.



**(25) 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.

**(26) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

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

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

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

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

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

## (27) NOISE - GENERAL

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

- (iii) The relevant background noise level ( $L_{A90, 15 \text{ minute}}$ ) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW EPA Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
- (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
- (v) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

## **(28) ACOUSTIC PRIVACY BETWEEN APARTMENTS**

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

## **(29) 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.

**(30) USE OF INTRUSIVE APPLIANCES – NOT APPROVED**

This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992”.

A separate Section 96 application must be submitted to the Council for the use of any equipment of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992.

**(31) USE OF COMMON AREAS AND FACILITIES**

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

**(32) 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.

**(33) 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, balconies 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.

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

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

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

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

**(35) NO DEMOLITION PRIOR TO CONSTRUCTION CERTIFICATE**

The following conditions apply to the development:

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

**(36) 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.

### **(37) 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.

### **(38) 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.

#### **(39) 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.

#### **(40) FLOOR TO CEILING HEIGHT**

Prior to a Construction Certificate being issued, the Certifying Authority must ensure that all rooms within the development have a minimum finished floor to ceiling height of not less than 2.7 metres.

**(41) LANDSCAPING OF THE SITE**

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's 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.
- (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.

**(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, information from an appropriately qualified access consultant:

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

is to be submitted to the Certifying Authority.



**(44) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

**(44A) CONSTRUCTION LIAISON COMMITTEE**

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

- (i) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

**(45) 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.

**(46) HAZARDOUS MATERIALS SURVEY**

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

**(47) CLASSIFICATION OF WASTE**

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

**(48) DILAPIDATION REPORT – MINOR**

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings at 60 and 68 Cook Road 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.

**(49) 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).

**(50) 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.

**(51) 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.

**(52) 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.

**(53) PUBLIC DOMAIN DAMAGE DEPOSIT**

A Public Domain Damage Deposit calculated on the basis of 19 lineal metres of concrete site frontage along Cook Road and 4 lineal metres along Furber Lane 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.

**(54) 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.

**(55) LETTERBOXES**

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

**(56) 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.

**(57) ALIGNMENT LEVELS – MAJOR DEVELOPMENT**

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

**(58) 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.

#### **(59) 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).

#### **(60) 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*.



**(61) 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.

**(62) 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.

**(63) 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).

**(64) 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).

#### **(65) 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.

#### **(66) 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](http://www.sydneywater.com.au), (see Plumbing, Building & Developing and they 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.

**(67) 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.

**(68) STRATA SUBDIVISION**

Any proposal for strata subdivision of the site will require development consent and therefore the lodgment 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.

**(69) TREES APPROVED FOR REMOVAL**

All trees within the site boundaries are approved for removal.

Trees must not be removed until the Construction Certificate has been issued

All tree removal works must be carried out by a qualified Arborist, with a minimum Level 3 AQF in arboriculture and in accordance with WorkCover's Code of Practice – Amenity Tree Industry.

In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself.

#### **(70) STREET TREE PROTECTION**

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

- (a) Tree trunk protection must be undertaken prior to the issuing of the Construction Certificate. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and truck at all times;
  - (ii) Tree trunk/s 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 protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (c) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

#### **(71) STREET TREE PRUNING**

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

**(72) LANDSCAPING OF THE SITE**

- (a) The Landscape Plan prepared by Site Image dated 4 February 2016 is not approved. A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground building works. The plan must include:
- (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
  - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
  - (iii) The design must include a tree, in the western deep soil area, that when mature, must attain a minimum height of no less than 10 metres and minimum canopy spread of five (5) metres. Palms, fruit trees, species recognised to have a short life span or listed as exempt species from Clause 3.5.3 of the SDCP are not considered a suitable replacement.
  - (iv) The design must also include tree planting along the southern boundary with tree that when mature, must attain a minimum height of no less than 6 metres. The trees must be appropriate spaced to allow natural development of the species to be achieved.
  - (v) Location, numbers, type and supply of plant species, with reference to NATSPEC;
  - (vi) Details of planting procedure and maintenance;
  - (vii) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) At the time of planting, all new trees must be a minimum container size of 100 litres and minimum height of 2.5 metres.
- (d) Written confirmation is to be obtained from Council's Area Planning Manager that all tree planting/s have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.

- (e) This condition is valid until such time as the new trees reaches over 6 metres in height. In the event that any tree deteriorates in health and/or condition and fails to establish prior to reaching this height, a replacement tree of the same size and species, in the same location must be planted.
- (f) In the event that the replacement planting is required a new two (2) year maintenance period will start again from the date that the tree is replaced. Council must be advised in writing if the tree requires replacement prior to the works being undertaken.

#### **(73) ELECTRICITY SUBSTATION**

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

#### **(74) TELECOMMUNICATIONS PROVISIONS**

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

#### **(75) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

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

#### **(76) WASTE AND RECYCLING MANAGEMENT - MINOR**

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

**(77) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**

- (a) 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.

**(78) WASTE MANAGEMENT FACILITIES**

Prior to the issue of a Construction Certificate for the development, the waste management facilities within the building are to be consistent with Council's "Policy for Waste Minimisation in New Developments 2005" and designed to provide for:

- (a) A garbage room or receptacle holding area is to be provided at street level, within 10m of and at the same level as the standing area for Council's waste collection vehicles on Furber Lane adjoining the site, and inside the property boundary, for waste collection purposes. Waste receptacles or garbage bins must not be stored on the public footways adjoining the development prior to collection or at any other time;
- (b) The garbage room and/or receptacle holding area is to be of a size to adequately cater for 16 residential units in accordance with Council's "Policy for Waste Minimisation in New Developments 2005";
- (c) the residential garbage room to be designed in accordance with Council's "Policy for Waste Minimisation in New Developments 2005" to allow for cleaning, draining and management of the room;
- (d) the residential garbage room servicing the proposed building to include adequate space for the separation of putrescible waste from waste suitable for recycling.



**(79) GARBAGE ROOM**

The garbage room is to be constructed in accordance with the 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.

**(80) VENTILATION MINOR WORKS**

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

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

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

**IMPORTANT NOTE:**

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

**(82) 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.

**(83) 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.

**(84) COMPLIANCE WITH DEMOLITION, CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

- (a) All works conducted on site which form part of this development must be carried out in accordance with the Demolition, Construction Noise and Vibration Management Plan.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. Any respite periods must be set and agreed to by Council's Health and Building Unit.

**SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(85) BASIX**

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

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

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

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

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

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

**(87) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS**

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

**(88) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

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

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

**(89) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(90) ENCROACHMENTS – PUBLIC WAY**

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

**(91) SURVEY**

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.

**(92) 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.

**(93) 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.

**(94) EROSION AND SEDIMENT CONTROL**

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

During the construction period:

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

**(95) VEHICLE CLEANSING**

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

**(96) 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](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

**(97) 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) 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.

**(100) 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.

#### **(101) 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.

#### **(102) 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.

#### **(103) 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.

#### **(104) OCCUPATION CERTIFICATE TO BE SUBMITTED**

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

### **SCHEDULE 2**

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

#### **Speakers**

Mr Frank Pazmino, Mr Michael Attaian and Mr Anthony Betros addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.7.

**ITEM 9.8**

**DEVELOPMENT APPLICATION: UNITS 16-20 - 1A COULSON STREET  
ERSKINEVILLE (D/2015/562)**

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2015/562 after the Voluntary Planning Agreement (VPA) has been publicly exhibited for 28 days and any submissions considered;
- (B) if the CEO determines to approve the application, then consideration be given to granting a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Part A below and Part B – Conditions of Consent (Once the Consent is in Operation) of the subject report; and
- (C) if the CEO determines the application, then notice be given to the NSW Office of Water of the determination in accordance with Section 91A(6) of the Environmental Planning and Assessment Act 1979.

**PART A – DEFERRED COMMENCEMENT CONDITIONS**

**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

- The consent is not to operate until the following conditions are satisfied, within 24 months of the date of this determination:
  - (1) PLANNING AGREEMENT**
    - (a) That a Voluntary Planning Agreement in accordance with the public benefit offer made by B1 Management Group Pty Ltd and dated 22 December 2015 be executed and submitted to Council; and
    - (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement at the time of execution; and
    - (c) The Voluntary Planning Agreement, as executed, must be registered on the Title of the land in accordance with the Voluntary Planning Agreement.
- Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council by within 24 months of the date of this determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979.
- The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.



- 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.

At the meeting of Council, it was moved by Councillor Kok, seconded by Councillor Mant - That the recommendation of the Planning and Development Committee be adopted.

The motion was carried on the following show of hands –

Ayes (7) The Lord Mayor, Councillors Forster, Green, Kok, Mandla, Mant and Vithoukias

Noes (2) Councillors Doutney and Scott.

Motion carried.

### **Speakers**

Mr Adrian Vilella addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.8.

### **ITEM 9.9**

#### **DEVELOPMENT APPLICATION: 134-136 BOTANY ROAD ALEXANDRIA (D/2015/1129)**

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1129, subject to the following:

#### **PART A – DEFERRED COMMENCEMENT CONDITIONS**

#### **(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

#### **(1) PLANNING AGREEMENT**

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

- (a) The Voluntary Planning Agreement, prepared by Council and placed on public exhibition on 10 February 2016, shall be executed and submitted to Council;
- (b) The guarantee must be provided to Council in accordance with the Planning Agreement at the time of execution; and
- (c) The Planning Agreement, as executed, must be registered on the title of the land in accordance with the Planning Agreement.

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

## **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/2015/1129 dated 11 August 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA01 (Rev. J)	PSEC Project Services	10.02.2016
DA02 (Rev. J)	PSEC Project Services	10.02.2016
DA03 (Rev. J)	PSEC Project Services	10.02.2016
DA04 (Rev. J)	PSEC Project Services	10.02.2016
DA05 (Rev. J)	PSEC Project Services	10.02.2016
DA06 (Rev. J)	PSEC Project Services	10.02.2016

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 aluminium louvre screens proposed on balconies of the Buckland Street elevation must be provided as follows:

- (i) The louvre screens are to be installed on alternate balcony openings of units U4, U5 and U6 on Level 1 and units U2, U8, U9 and U10 on Level 2;
  - (ii) The louvre screen tracks must be installed to extend the full width of the balcony opening to allow for horizontal movement of the screens;
  - (iii) The louvres themselves must be vertically operable to allow for the diffusion of light and air; and
  - (iv) The screens coverage must be at least 2/3 the width of the balcony opening.
- (b) The balustrades of balconies on the Buckland Street elevation must be designed as follows:
- (i) Balcony balustrades on Level 1 and Level 2 are to alternate between glazing and solid masonry;
  - (ii) Where aluminium louvre screens are installed, the balustrade must be glazed; and
  - (iii) All balcony balustrades on Level 3 are to be glazed.
- (c) The timber clad blades separating units U11, U12 and U13 on Level 3 of the Buckland Street elevation must be:
- (i) Reduced to a maximum height of 2000mm from the finished floor level of the Level 3 balcony allowing the roof to cantilever over unsupported; and
  - (ii) Treated with metal capping to seal the top and prevent weather damage.
- (d) A building parapet measuring 1200mm in height from the finished floor level of the roof is to be constructed away from the Buckland Street frontage to conceal roof-top plant and associated equipment. The parapet must be setback from the perimeter of the roof.
- (e) Window and door systems to bedrooms and living areas of units U3 and U9, that have an opening to the Botany Road frontage, are to incorporate a glazed side panel including an awning window at the bottom of the opening to allow for ventilation and mitigate Botany Road traffic noise.
- (f) Ceiling fanlights must be installed in all bedrooms.
- (g) All glass louvres installed within the Botany Road facade on Level 1 and 2 must be operable and reversed in order to deflect noise as per Part 4J of the Apartment Design Guide and mitigate against noise impacts.
- (h) The glass louvres proposed on the Buckland Street frontage are not approved. A fully retractable privacy screen must be installed allowing fenestrations to remain fully opened or closed at the discretion of the occupants. Details of the proposed privacy screening must be submitted to Council.

- (i) The fire stair must be roofed at Level 3.
- (j) A gate/door must be installed at Level 3, opening outwards into the stairwell. A fire door must also be installed at the ground level fire stair exit to Botany Lane.
- (k) The proposed lift must be accommodated within the approved lift overrun height of 3.6m. Details of the proposed lift including lift specifications must be submitted to Council.
- (l) Details of the location of the air-conditioning condensers must be submitted to Council.

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

**(3) STUDIO APARTMENTS U9 AND U12**

- (a) Units numbered U9 and U12 are not approved for use as 1 bedroom apartments.
- (b) Units numbered U9 and U12 must be converted to studio apartments with a minimum gross floor area of 40sqm.
- (c) Partition walls separating the bedroom from living/dining rooms must be deleted.

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

**(4) MATERIALS AND SAMPLES BOARD**

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

**(5) 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 0.15:1; and for the residential use must not exceed 1.34:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the business component is 75.79sqm, for the residential component is 684.85sqm, and the total Gross Floor Area is 760.64sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

**(6) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 29.900 (AHD) to the top of the building, RL 30.250 to the top of the lift over-run and RL 31.10 (AHD) to the roof-top screening (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.

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

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

**(8) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT**

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

**(9) GROUND LEVEL RETAIL/COMMERCIAL TENANCY**

- (a) Fitout and use of the ground level retail/commercial tenancy is not approved by this consent.(b) A separate development application must be submitted to Council for approval of the fitout and use of the ground level retail/commercial tenancy. **RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 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 the Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If 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.

**(11) 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.

#### **(12) MAXIMUM NUMBER OF CAR PARKING SPACES**

- (a) The maximum number of car parking spaces to be provided for the development is eight (8).
- (b) The two surplus car parking spaces indicated on the Basement Plan (drawing DA02 – Revision J) must be converted to alternative uses, comprising one car wash bay and one service vehicle space.

#### **(13) 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
Residential visitor spaces	2
Retail parking	1
<b>Subtotal</b>	<b>8</b>
Car wash bay	1
Service vehicle spaces	1
<b>Total</b>	<b>10</b>

#### **(14) ALLOCATION FOR CAR WASH BAYS**

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

#### **(15) 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.

#### (16) PARKING DESIGN

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

#### (17) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Residential	13	Spaces must be a class 1 bicycle locker [1]
Residential visitor	1	Spaces must be Class 3 bicycle rails

Notes:

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

#### (18) ROADS AND MARITIME SERVICES (RMS) REQUIREMENTS

- (a) All buildings and permanent structures associated with the development together with any improvements integral to the future use of the site are to be clear of the land required for road widening under Section 23 of the Roads Act, 1993 as published in Government Gazette of 30 August 1940; folio 3667.
- (b) 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.
- (c) 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.
- (d) The development 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.

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

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.

- (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:

Project Engineer, External Works

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

## **(19) AUSGRID REQUIREMENTS**

The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development.

In general, works to be considered by Ausgrid include, but are not limited to the following:

- (a) Changes in electrical load requirements;
- (b) Changes to Ausgrid infrastructure (i.e. asset relocations, decommissioning substations etc)



- (c) Works affecting Ausgrid easements, leases and/or rights of way;
- (d) Changing the gradients of any roads or paths;
- (e) Changing the level of roads or footpaths;
- (f) Widening or narrowing of roads;
- (g) Closing roads or laneways to vehicles – In all cases, Ausgrid is to have 24 hour access to all its assets

The developer is to ensure that the proposed works do not contravene Ausgrid technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of the Ausgrid network.

## **(20) 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.

## **(21) VEHICLE FOOTWAY CROSSING**

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

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

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

## **(22) 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".

**(23) 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.

**(24) 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.

**(25) PARKING ON COMMON PROPERTY AREAS**

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

**(26) 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.

**(27) 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.

**(28) SECURITY GATES**

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

**(29) 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.

**(30) USE OF COMMON AREAS AND FACILITIES**

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

**(31) EXTERNAL LIGHTING**

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

**(32) TREATMENT OF PROPOSED EXTERNAL WALLS**

Details of the treatment of the southern boundary and Botany Lane walls must be submitted to and approved by Council prior to the Construction Certificate being issued. Any work is required to be completed prior to the Occupation Certificate being issued or the commencement of the use, whichever is earlier.

**(33) AMENDED ACOUSTIC REPORT**

The Acoustic Report prepared by James Tsevremmentzis (dated 27 July 2015) must be amended to address the following requirement:

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

The amended Acoustic Report is to be submitted to and approved by Council's Area Planning Manger prior to the issue of a Construction Certificate.

**(34) 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.

### **(35) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

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

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

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

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

**(36) 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 James Tsevrementzis, dated 27/7/2015, ref 2769R2015612jt134-136BotanyRdAlexandria, titled Acoustic Assessment NO.134-136 BOTANY ROAD, ALEXANDRIA (The Report), TRIM Exhibition Document 2015/419430 134 - 136 Botany Rd, Alexandria - Acoustic Report 1 11/8/2015 at 5:16 PM 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 5 - The consultant has provided rating background noise levels to be in accordance with the NSW EPA and City of Sydney requirements. As the consultant advises that the proposal can comply with the planning noise performance limits determined on the basis of this information, the City reserves its rights under the EP&A Act assess operational requirements against these levels. i.e Table 1 of the Report.
- Section 8 – The Ceiling/ Roof systems must be constructed in accordance with the materials specifications listed in section 8.1.1
  - Sections 8 – the External Walls must be constructed in accordance with the specifications listed in section 8.1.2
  - Section 8.3.1- The glazing must be treated in accordance with table 7 in order to achieve compliance with the maximum noise levels nominated in The Report.
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the Area Planning Manager for South 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.

**(37) DELIVERY VEHICLES**

Deliveries associated with the site that involve the movement of vehicles, must only occur between the hours of 7am and 7pm.

**(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, balconies 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) 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.

**(40) 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	\$22,286.32
Public Domain	\$13,727.09
New Open Space	\$106,958.33
New Roads	\$27,164.40
Accessibility	\$1,126.67
Management	\$1,218.19
Total	\$172,481.00

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 – December 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](mailto: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.



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

In accordance with Clause 7.13 of Sydney Local Environmental Plan 2012 and prior to a Construction Certificate being issued, the Applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$169,947.64 based on the in lieu monetary contribution rate for non-residential development at \$58.04 per square metre of total non-residential floor area 85.19sqm and for residential development at \$174.19 per square metre of total residential floor area 947.26sqm. Contributions will be indexed in accordance with the formula set out below.

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

Notes:

(a) Applicants have two payment options:

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

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

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

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

- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment =  $C \times \text{HPI2} / \text{HPI1}$ , where:
  - (i) C is the original contribution amount as shown above;
  - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
  - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent 1 March 2015 to 28 February 2016.

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

## **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.

#### **(42) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)**

Prior to a Construction Certificate being issued, an archival photographic recording of the existing building and structures 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.

#### **(43) 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.

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

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

**(45) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**

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

**(46) 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).

**(47) 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.

**(48) 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.

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

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

**(50) 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.

#### **(51) CLASSIFICATION OF WASTE**

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

#### **(52) 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.

#### **(53) 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.

**(54) 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.

**(55) VENTILATION MINOR WORKS**

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

**(56) 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.

**(57) 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.

**(58) 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.

**(59) 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.

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

- (a) Prior to a Construction Certificate being issued, an acoustic assessment report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Certifying Authority demonstrating compliance with the requirements of the Sydney DCP 2012 in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.
- (b) In the preparation of the report:
  - (i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
  - (ii) The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
  - (iii) The LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed must be shown.
- (c) Prior to an Occupation Certificate being issued, a Compliance Certificate from a qualified, practicing acoustic engineer must be submitted to the satisfaction of the Principal Certifying Authority, certifying compliance with the condition.

**(61) LETTERBOXES**

Details of the location and design of all letterboxes are to be submitted to and approved by Council prior to the Construction Certificate being issued.

**(62) 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.

### **(63) 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.

### **(64) LANDSCAPING OF THE SITE**

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's 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, types and supply of tree species with reference to NATSPEC (if applicable); The *Tristania laurina* (Water Gums) in the planter fronting Buckland Street shall be set apart a minimum of 6 metres;
  - (iv) Details of planning procedure and maintenance; and
  - (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

**(65) LANDSCAPED (GREEN) ROOFS**

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate. The plan must include:
- (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
  - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
  - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.
  - (v) Details of the soil media/substrate type and depth.
  - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.

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

#### **(66) 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;
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion; and
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
- (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding [Tree Management Team to insert location of hoarding and affected trees] to protect branches during the construction works.
- (e) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

**(67) 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.

**(68) TREES APPROVED FOR REMOVAL**

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

Table 1 – Tree Removal:

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

Tree No	Botanical/Common Name	Location
1	<i>Celtis sinensis</i> (Chinese Hackberry)	Southern Boundary

**(69) TREES THAT MUST BE RETAINED**

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

Table 2 – Tree Retention:

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

Tree No	Botanical/Common Name	Location
-	<i>Plantanus acerifolia</i> (Plane Tree)	Buckland Street – street tree
-	<i>Lophostemon confertus</i> (Brush Box)	Botany Road – street tree

**(70) 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.

#### **(71) 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.

**(72) 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).

**(73) 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.

**(74) 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.

**(75) 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.

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

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

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.

**(77) 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.

**(78) 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.

**(79) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the Botany Lane frontage of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed.  
Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate.  
Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.

- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

**(80) PUBLIC DOMAIN DAMAGE DEPOSIT**

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

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

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

**(81) 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.

**(82) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

**(83) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 138 – 142 Botany Road, Alexandria 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.

**(84) 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.

**(85) 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).

#### **(86) 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.

#### **(87) 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.

**(88) 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.

**(89) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**

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

**UPON COMPLETION OF THE DEVELOPMENT**

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

**(90) WASTE AND RECYCLING 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.

### **(91) 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.

## **SCHEDULE 1C**

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

#### **(92) 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.



**(93) 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.

**(94) BASIX**

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

**(95) DEDICATION OF ROAD WIDENING**

The owner must dedicate, for road purposes, free of cost to Council, a widening along the site frontage to Botany Road, as required by RMS. The widening is to be detailed in a plan of subdivision of the land. This plan is to be registered at the Land and Property Information office prior to an Occupation Certificate being issued.

**(96) SUBDIVISION PLAN**

- (a) Prior to the issue of a Construction Certificate or demolition consent, the initial boundary definition survey work necessary for the preparation of a subdivision plan redefining the boundaries of Lot 1 in DP 75051 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) Prior to the issue of an Occupation Certificate, the subdivision plan dedicating the road widening of Botany Road to the satisfaction of Council, shall be registered at the Office of Land and Property Information, NSW showing the new building. Dimensions for the road widening are to be obtained from Council. Evidence of registration of the subdivision plan shall be supplied to the PCA prior to the issue of the Occupation Certificate.

**(97) 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 subdivision 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.

#### **(98) STREET NUMBERING – MAJOR DEVELOPMENT**

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

#### **(99) 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.

#### **(100) 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.

#### **(101) USE OF MOBILE CRANES**

The following requirements apply:

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

#### **(102) NO OBSTRUCTION OF PUBLIC WAY**

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

#### **(103) 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.

#### **(104) 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.

#### **(105) 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](http://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.

#### **(106) 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.

#### **(107) 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.

#### **(108) 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.

**(109) 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.

**(110) 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.

**(111) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(112) HAZARDOUS AND INDUSTRIAL WASTE**

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

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

## **SCHEDULE 2**

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

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

Clause 98 Compliance with the 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.

### Report of the Development Assessment Sub-Committee

Moved by Councillor Mant, seconded by Councillor Green -

That the report of the Development Assessment Sub-Committee of its meeting of 15 March 2016 be received, with the recommendations set out below for Items 9.12 to 9.15 inclusive being adopted, and Items 9.10 and 9.11 being dealt with as shown immediately following those items.

Carried.

The Development Assessment Sub-Committee recommended the following:

**ITEM 9.10****DEVELOPMENT APPLICATION: 93 ST JOHNS ROAD AND 3 AND 5 REUSS STREET GLEBE (D/2015/1246)**

It is resolved that consent be granted to Development Application No. D/2015/1246, subject to the conditions as detailed in the subject report.

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

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

The motion was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Doutney, Forster, Green, Kok, Mant, Scott and Vithoukias

Noes (1) Councillor Mandla.

Motion carried.

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

It is resolved that consent be granted to Development Application No. D/2015/1246, subject to the following conditions:

**SCHEDULE 1A****Approved Development**

**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/2015/1246 dated 31 August 2015 and the following drawings:

<b>Drawing Number</b>	<b>Consultant</b>	<b>Date</b>
150507 Issue 4	Linker Surveying	4/11/2015

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) SUBDIVISION CERTIFICATE**

A separate application is to be made to Council to obtain approval of the final Plan of Subdivision of Lot B in DP 321612 and issue of the Subdivision Certificate in accordance with the provisions of Section 109J of the Environmental Planning and Assessment Act 1979.

**(3) PARTY WALLS**

The part(s) of the common boundaries between the lots in the subdivision occupied by the shared walls of the abutting buildings are to be shown as Party Wall” on the final Plan of Subdivision in order to exercise the statutory provisions of Section 181B of the Conveyancing Act 1919 and create the required reciprocal Easements for Support.

**(4) SYDNEY WATER CERTIFICATE**

Prior to the issue of the Subdivision Certificate, a Section 73 (Subdivider/Developer) Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Reference should be made to the Building Developing and plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then to “Water Servicing Coordinator” under “Developing Your Land” or telephone 132092 for assistance.

Following the 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 prior to the issue of the Subdivision Certificate.

**(5) SECTION 88B INSTRUMENT**

Any easements, rights of way and/or restrictive or positive covenants required as a consequence of the subdivision are to be created pursuant to Section 88B of the Conveyancing Act 1919 and to Council’s satisfaction.

**(6) INFILLING OF EXISTING WINDOWS AND DOOR**

Prior to the issue of the Subdivision Certificate, all windows and the door located in the western wall of the two storey building located on the proposed eastern boundary of Lot 2 shall be blocked in with masonry of at least 0.23 metres in thickness and fire rated to Building Code of Australia standards. The exterior surface of the blocked in windows and door shall be painted to match the remainder of the wall.

**(7) FLOOR SPACE RATIOS**

Any residual floor space ratio on the proposed lots 2 & 3 may not be transferred to the proposed lot 1, which must be compliant with the provisions of Sydney LEP 2012 and any future amendments.



**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) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**

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

**SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(9) HOURS OF WORK AND NOISE – OUTSIDE CBD**

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

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

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

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

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

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

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

The following requirements apply:

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

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

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

**SCHEDULE 2**

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

**Speakers**

Mr David Grant and Mr Theodore Onisforou addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.10.

**ITEM 9.11****DEVELOPMENT APPLICATION: 292 KING STREET NEWTOWN (D/2015/1247)**

It is resolved that consent be refused for Development Application No. D/2015/1247 for the following reasons:

**(1) Excessive height**

The proposal exceeds the maximum permitted height of buildings development standard and is contrary to the objectives contained in clause 4.3 height of buildings of the Sydney Local Environmental Plan 2012 (the LEP). It exceeds the height in storeys and street frontage height controls contained at provisions 4.2.1.1(2) and 4.2.1.1(4) of the Sydney Development Control Plan 2012 (the DCP). It is contrary to design quality principles 1: context and neighbourhood character; and principle 2: built form and scale, contained in the State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65).

**(2) Contravention of the height of buildings development standard**

Contrary to clause 4.6 of the LEP, a written request seeking an exception to the height of buildings development standard has not been submitted.

**(3) Poor amenity**

The proposed fifth storey addition would result in the deletion of the previously approved rooftop communal open space and does not satisfy design criteria (1) and (2) of objective 3D-1 of the Apartment Design Guide (the ADG). None of the previously approved apartments has private open space and the private open space of the proposed fifth storey apartment does not satisfy the minimum area requirements recommended at design criteria (1) of objective 4E-1 of the ADG. The proposed fifth storey apartment does not achieve the minimum floor to ceiling height of 2.7m recommended at design criteria (1) of objective 4C-1 of the ADG. The proposed fifth storey apartment does not provide the minimum amount of storage space in addition to kitchen, bathroom and bedroom storage recommended at design criteria (1) of objective 4G-1 of the ADG. The proposal is inconsistent with principle 6: amenity, of SEPP 65 and is inconsistent with the aims of the plan stated at clause 1.2(2)(h) of the LEP.

**(4) No landscaping, reduced opportunities for social interaction**

The proposed fifth storey addition would result in the deletion of the previously approved rooftop communal open space and does not satisfy design criteria (1) and (2) of objective 3D-1 of the ADG. The proposal would reduce opportunities for social interaction among residents and is inconsistent with principle 5: landscape and principle 8: housing diversity and social interaction, of SEPP 65.

**(5) Excessive density and overdevelopment**

As the proposed fifth storey addition would provide a poor level of amenity for its future intended occupants, it is considered to be a density that is not appropriate to the site and its context. It is an overdevelopment of the site and is inconsistent with principle 3: density, of SEPP 65.

**(6) Adverse heritage impacts and adverse impacts upon the character of the area**

The excessive height of the development is inconsistent with the predominant scale of the adjoining heritage item and surrounding contributory buildings. It would further obscure views to the clock tower and undermine the landmark qualities of the clock tower and the ornate parapets of the former post office building. The proposal is contrary to LEP objective 5.10(1)(b) to conserve the significance of heritage items and heritage conservation areas, including settings and views, and to the aims of the plan stated at clause 1.2(2)(k) of the LEP. The proposal is contrary to DCP heritage objectives 3.9(a) and (b), to DCP heritage provisions 3.9.5(1)(f), 3.9.5(4)(d), 3.9.6(1), and 3.9.14, and to the DCP locality statement and principles at provision 2.3.3(a), (b) and (e).

**(7) Failure to exhibit design excellence**

Due to the proposal's excessive mass, bulk, scale and density, incompatibility with the character of the area, adverse heritage impacts, poor amenity, and poor interface with the public domain, the proposal fails to exhibit design excellence and is contrary to the objectives of clause 6.21 and the aims of the plan stated at clause 1.2(2)(j) of the LEP.

**(8) Not in the public interest**

As a matter for consideration pursuant to clause 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not in the public interest and is inconsistent with the objects of the Act to encourage proper development for the purpose of promoting a better environment.

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

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

The motion was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Doutney, Forster, Green, Kok, Mant, Scott and Vithoukias

Noes (1) Councillor Mandla.

Motion carried.

**Speakers**

Mr Tony Moody addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.11.

**ITEM 9.12**

**DEVELOPMENT APPLICATION: 19 REGENT STREET PADDINGTON (D/2015/1870)**

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 "Height of Buildings" in accordance with Clause 4.6 "Exceptions to development standards" in Sydney Local Environmental Plan 2012;
- (B) Council support the variation sought to Clause 4.4 "Floor Space Ratio" in accordance with Clause 4.6 "Exceptions to Development Standards" in the Sydney Local Environmental Plan 2012; and
- (C) consent be granted to Development Application No. D/2015/1870, 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/2015/1870 dated 22 December 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA001	Bureau SRH Architecture	18 December 2015
DA101	Bureau SRH Architecture	18 December 2015
DA102	Bureau SRH Architecture	18 December 2015
DA103	Bureau SRH Architecture	18 December 2015
DA104	Bureau SRH Architecture	18 December 2015
DA105	Bureau SRH Architecture	18 December 2015
DA301	Bureau SRH Architecture	18 December 2015
DA302	Bureau SRH Architecture	18 December 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) 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.

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

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

**(3) 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).

**(4) 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.

**(5) 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.

**(6) REAR ROOF EXTENSIONS**

The rear roof extension:

- (a) Is to be centrally located on the rear roof plane;
- (b) Is to be set back a minimum of 500mm from side walls as measured from the inner edge of the party or side walls; and
- (c) Is to be set down a minimum of 200mm below the ridge line as measured along the roof plane from the ridge;
- (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) The windows must contain fixed, opaque glazing, up to a sill height of 1.4 metres above the attic floor level;
- (f) The windows must use timber joinery and be timber framed;
- (g) If the windows are operable, details of this must be shown on the plans;
- (h) The external walls of the extension must be clad with weatherboards, corrugated steel or a similar profiled material;
- (i) The roofing is to be of a corrugated metal profile at a minimum 5 degree pitch; and
- (j) 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.

Details of the rear roof extension (at a scale of 20:1) and of the weatherboard profile must be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of the Construction Certificate.

**(7) TIMBER FRONT DORMERS**

- (a) The front dormers are to have a 200mm set down from the ridgeline;
- (b) The front dormer must use timber joinery and double-hung windows and must be a rectangular, timber framed, vertically proportioned, double hung sash window with a ratio of 1.5:1 measured from base to top of the window frame.
- (c) The external side walls of the dormer are to be of timber weatherboards of a profile and section consistent with the period and style of the building.
- (d) The external joinery must be detailed in a manner appropriate to the style and period of the building.

Details of the dormers (at a scale of 20:1) and of the weatherboard profile must be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of the Construction Certificate.

**(8) 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.

**SCHEDULE 1C**

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

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

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.

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

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

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

#### **(10) 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.

#### **(11) 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.

#### **(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, 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.

## **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.

### **ITEM 9.13**

#### **DEVELOPMENT APPLICATION:      6 VICTORIA STREET BEACONSFIELD (D/2015/1132)**

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1132, subject to the following:

#### **PART A – DEFERRED COMMENCEMENT CONDITIONS**

#### **(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

#### **(1) PLANNING AGREEMENT**

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

- (a) The Voluntary Planning Agreement, prepared by Council and placed on public exhibition on 10 February 2016, shall be executed and submitted to Council;
- (b) The guarantee must be provided to Council in accordance with the Planning Agreement at the time of execution; and
- (c) The Planning Agreement, as executed, must be registered on the title of the land in accordance with the Planning Agreement.
- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of this determination of this deferred commencement consent, failing which, this deferred development consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979;

- (C) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- (D) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

## **PART B – CONDITIONS OF CONSENT**

### **(ONCE THE CONSENT IS IN OPERATION)**

#### **SCHEDULE 1A**

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

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

#### **(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2015/1132 dated 12 August 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA102	BKA architecture	22.12.2015
DA105 (Rev. D)	BKA architecture	22.12.2015
DA106 (Rev. D)	BKA architecture	22.12.2015
DA107 (Rev. E)	BKA architecture	22.12.2015
DA108 (Rev. E)	BKA architecture	22.12.2015
DA109 (Rev. D)	BKA architecture	22.12.2015
DA200 (Rev. C)	BKA architecture	22.12.2015
DA201 (Rev. C)	BKA architecture	22.12.2015
DA202 (Rev. B)	BKA architecture	22.12.2015
DA300 (Rev. E)	BKA architecture	18.01.2016
DA301 (Rev. D)	BKA architecture	22.12.2015

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 glass balustrades dividing individual rooftop terraces, are to be substituted for solid masonry. Glass balustrades must be used for terraces with frontages to Victoria Street and Victoria Lane.

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

**(3) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 23.060 (AHD) to the top of the glass balustrade and RL 22.560 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

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

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

**(5) FLOOR SPACE RATIO**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the building must not exceed 1.25:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area of the building is 347sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

**(6) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT**

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

**(7) 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. The materials and samples board must include;

- (a) All proposed finishes within the ground floor/car parking area;
- (b) Details of proposed vertical privacy screens at the eastern and western elevations.

**(8) TREATMENT OF PROPOSED EXTERNAL WALLS**

Details of the treatment of the northern boundary must be submitted to and approved by Council prior to the Construction Certificate being issued. Any work is required to be completed prior to the Occupation Certificate being issued or the commencement of the use, whichever is earlier.

**(9) MAXIMUM NUMBER OF CAR PARKING SPACE**

- (a) The maximum number of residential car parking spaces to be provided for the development is three.
- (b) The additional car parking space indicated on the Ground Floor Plan (drawing DA105 – Revision D) must be converted to a visitor car parking space. 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.

**(10) 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	<b>3</b>
Residential visitor spaces	<b>1</b>
Subtotal	<b>4</b>

**(11) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL**

The following conditions apply to car parking:

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

**(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) 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.

### **(14) BICYCLE PARKING AND END OF TRIP FACILITIES**

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

Bicycle Parking Type	Number	Requirements
Residential	<b>4</b>	Spaces must be a class 1 bicycle locker
Residential visitor	<b>1</b>	Spaces must be Class 3 bicycle rails

Notes:

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

### **(15) VEHICLE ACCESS**

All vehicles must enter and depart the site in a forward direction.

### **(16) PARKING DESIGN**

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

### **(17) SIGNS AT EGRESS**

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

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

**(18) PARKING ON COMMON AREAS**

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

**(19) 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.

**(20) 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.

**(21) 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".

**(22) VEHICLE FOOTWAY CROSSING**

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

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

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

**(23) 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.

**(24) 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.

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

All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by James Tsevremenzis (Koikas.Acoustics.PTY.LTD), dated:19/6/15, ref:2750R2015052jt6VictoriaStBeaconsfield, titled 6, Victoria St, Beaconsfield, Acoustic Assessment (The Report) , TRIM: 2015/409209 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 and to the satisfaction of the certifying authority.

**(26) ACOUSTIC DESIGN**

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

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

**(27) NOISE - GENERAL**

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



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

### **(28) 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.

### **(29) 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.

### **(30) EXTERNAL LIGHTING**

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

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

In accordance with Clause 7.13 of Sydney Local Environmental Plan 2012 and prior to a Construction Certificate being issued, the Applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$83,473.01 based on the in lieu monetary contribution rate for residential development at \$174.19 per square metre of total residential floor area 479sqm. Contributions will be indexed in accordance with the formula set out below.

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

Notes:

(a) Applicants have two payment options:

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

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

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

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

- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment =  $C \times \text{HPI2} / \text{HPI1}$ , where:
- (i) C is the original contribution amount as shown above;
  - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
  - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent 1 March 2015 to 28 February 2016.

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

**(32) 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	\$9,295.36
Public Domain	\$5,725.40
New Open Space	\$44,611.03
New Roads	\$11,329.94
Accessibility	\$469.92
Management	\$508.09
Total	\$71,939.75

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.

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

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

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

## **SCHEDULE 1B**

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

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

#### **(33) 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.

#### **(34) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**

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

**(35) 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).

**(36) 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.

**(37) 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.

**(38) 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.

### **(39) VENTILATION MINOR WORKS**

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

### **(40) 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.

**(41) LAND REMEDIATION (Where Site Auditor engaged)**

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Todd Hore (EIS) dated 1/10/2015 and referenced E28435Khrpt2 and the Letter of Interim Advice prepared by Rowena Salmon (Ramboll Environ Australia Pty Ltd) dated 20 January 2016 and referenced AS121941 . 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.

**(42) 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.

**(43) STOCKPILES**

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.

- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

**(44) 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. In the event of conflict between the Code of Practice and NSW WorkCover requirements, the latter shall prevail.

**(45) 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.

**(46) 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.

**(47) 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.

**(48) 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.

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

- (a) Prior to a Construction Certificate being issued, an acoustic assessment report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Certifying Authority demonstrating compliance with the requirements of the Sydney DCP 2012 in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.
- (b) In the preparation of the report:
  - (i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
  - (ii) The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
  - (iii) The LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed must be shown.
- (c) Prior to an Occupation Certificate being issued, a Compliance Certificate from a qualified, practicing acoustic engineer must be submitted to the satisfaction of the Principal Certifying Authority, certifying compliance with the condition.

**(50) LETTERBOXES**

Details of the location and design of all letterboxes are to be submitted to and approved by Council prior to the Construction Certificate being issued.

**(51) 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.

#### **(52) 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.

#### **(53) LANDSCAPING OF THE SITE**

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's 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, types and supply of tree species with reference to NATSPEC (if applicable); The *Tristania laurina* (Water Gums) in the planter fronting Buckland Street shall be set apart a minimum of 6 metres;
- (iv) Details of planning procedure and maintenance; and
- (v) Details of drainage, waterproofing and watering systems.

**(54) LANDSCAPED (GREEN) ROOFS**

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

#### **(55) 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;
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion; and
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding to protect branches during the construction works.
- (e) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

**(56) 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.

**(57) STREET TREE PLANTING AND MAINTENANCE**

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

**(58) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

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

**(59) ALIGNMENT LEVELS – MAJOR DEVELOPMENT**

- (a) Proposed building floor levels, 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.

**(60) PRESERVATION OF SURVEY MARKS**

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

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

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

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

**(61) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure.

Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

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

**(62) PUBLIC DOMAIN PLAN**

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by 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.

**(63) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

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

**(64) PUBLIC DOMAIN DAMAGE DEPOSIT**

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



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

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

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

- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (f) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken by a suitably qualified drainage engineer and must be approved by Council, demonstrating how the development will be designed to ensure that the flow of post-development pollutants from the site due to stormwater will be reduced.

**(66) 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.

**(67) 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.

**(68) 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.

**(69) 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.

**(70) 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.

**(71) 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).

**(72) 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).

**(73) 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.

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

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

**(75) 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.

**(76) 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.

**(77) VENTILATION MINOR WORKS**

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

**SCHEDULE 1C**

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

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

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

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

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

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

#### **(79) 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.

#### **(80) 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 Works 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.

**(81) 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.

**(82) 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.

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.

**(83) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(84) 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.

**(85) SURVEY CERTIFICATE AT COMPLETION**

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

**(86) COVERING OF LOADS**

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

**(87) EROSION AND SEDIMENT CONTROL**

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

During the construction period:

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

**(88) VEHICLE CLEANSING**

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

**(89) 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](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

#### **(90) 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.

#### **(91) STREET NUMBERING**

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.

### **SCHEDULE 2**

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

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

Clause 98 Compliance with the 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.

#### **ITEM 9.14**

#### **DEVELOPMENT APPLICATION: 2-14 KINGS CROSS ROAD POTTS POINT - THE LARMONT HOTEL (D/2015/1844)**

It is resolved that

- (A) Council support the variation sought to Clause 4.3 "Height of Buildings" in accordance with Clause 4.6 "Exceptions to development standards" in Sydney Local Environmental Plan 2012;
- (B) 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;
- (C) Council agree to waive the requirements for a competitive design process and the preparation of a site specific development control plan in accordance with the provisions of sections 6.21 (6) and 7.20 (3) of the Sydney Local Environmental Plan 2012; and
- (D) consent be granted to Development Application No. D/2015/1844, 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/2015/1844 dated 18 December 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
D001-TP Rev TP2	Hassell Ltd	20 November 2015
D005-TP Rev TP1	Hassell Ltd	16 September 2015
D006-TP Rev TP2	Hassell Ltd	20 November 2015
D007-TP Rev TP2	Hassell Ltd	20 November 2015
D008-TP Rev TP1	Hassell Ltd	16 September 2015
D009-TP Rev TP1	Hassell Ltd	16 September 2015
D010-TP Rev TP1	Hassell Ltd	16 September 2015

and as amended by the conditions of this consent.

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

**(2) DESIGN MODIFICATIONS**

Each new hotel room shall contain individual, secure, lockable storage facilities of a minimum capacity of 0.6 cubic metres per person to allow guests to individually store baggage and travel items within the sleeping room.

**(3) NEW WINDOWS**

The colours and materials, including the new window frames on the north, west and east elevations of the building, shall match the finish of the existing building.

**(4) VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION**

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

**(5) VISITOR AND TOURIST ACCOMMODATION**

- (a) The new hotel rooms on Levels 2, 11 and 12 shall accommodate a maximum of two (2) adults and shall contain a maximum of two (2) beds. This excludes children and children's beds, cots or bassinets.
- (b) Where accommodation is provided for more than 28 consecutive days, no more than two (2) adults and one (1) child are permitted per room.
- (c) The maximum permitted length of stay is three (3) months.

**(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.

## **SCHEDULE 1B**

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

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

#### **(7) 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.

#### **(8) 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**

#### **(9) HOURS OF WORK AND NOISE – OUTSIDE CBD**

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

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

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

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

#### **(10) 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.

#### **(11) 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.

#### **(12) NO OBSTRUCTION OF PUBLIC WAY**

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

#### **(13) STRATA SUBDIVISION**

The residential Lots 65 to 73 inclusive and the affected Common Property of Strata Plan 79156 on levels 11 and 12 are required to be consolidated with Lot 22. Strata subdivision to consolidate the lots will require development consent and therefore the lodgment of a separate development application or complying certificate 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 prior to the issue of an Occupation Certificate.

## **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.

## **ITEM 9.15**

### **DEVELOPMENT APPLICATION: 9 NORTHCOTE ROAD GLEBE (D/2015/1853)**

It is resolved that:

- (A) the variation sought to Clause 4.3 Building Height in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012 be supported; and
- (B) consent be granted to Development Application No. D/2015/1853, 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/2015/1853 dated 18 December, 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
2 – Basement Floor Plan (Rev.A)	Raven Fisher and Associates	July, 2015
3 – Ground Floor Plan (Rev.A)	Raven Fisher and Associates	July, 2015
4 – First Floor Plan (Rev.A)	Raven Fisher and Associates	July, 2015
5 – South-West and North-West Elevation (Rev.A)	Raven Fisher and Associates	July, 2015
6 – North-East Elevation, Section B-B and Section C-C (Rev.A)	Raven Fisher and Associates	July, 2015
7 – South-East Elevation and Section A-A (Rev.A)	Raven Fisher and Associates	July, 2015

and as amended by the conditions of this consent.

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

**(2) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The proposed side dormer windows must be set down a minimum of 200mm from the ridge of the dwelling.
- (b) Obscured glazing is to replace the obscured film proposed on Window 2 and the lower two panes of Window 12.

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

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

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

**(3) 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.

**(4) 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.

**(5) 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.

**(6) 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.



**(7) 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.

**(8) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL 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).

**(9) 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).

**(10) 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.

**(11) VENTILATION MINOR WORKS**

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

**(12) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT**

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

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

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

**(13) 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.

**(14) 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](http://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.

**(15) 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**

**(16) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(17) 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.

**(18) 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.

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

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

**(b) Installation requirements**

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

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

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

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

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.

- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 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.

## **(22) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (c) 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.

## **(23) 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 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.

**ITEM 10 DARLING SQUARE – THE DARLING EXCHANGE COMMERCIAL SUB-LEASE TERMS AND CONDITIONS (S127331)**

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

It is resolved that:

- (A) Council endorse entering into a lease for the proposed Darling Square Library, including the Makerspace with an IQHub ('Innovation Exchange Program'); and
- (B) authority be delegated to the Chief Executive Officer to finalise these negotiations during the 90 day Exclusive Negotiation Period generally in accordance with the Commercial Sub-Lease Terms and Conditions ("Heads of Agreement") dated 14 March 2016 (as shown at confidential Attachment B to the subject report) and enter into an Agreement to Sub Lease and subsequently the Sub Lease and any required documentation necessary to deliver the future City facility.

Carried unanimously.

**ITEM 11 TENDER - PROPERTY SERVICES CONSULTANT (S126567.007)**

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

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'G' for Property Service Consultant engagement, including schedule of rates;
- (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 vary the contract in accordance with the nominated schedule of rates, if appropriate.

Carried unanimously.

**ITEM 12 QUESTIONS ON NOTICE****CLEANING STAFF (S103142)**

1. By Councillor Scott

**Question**

In answer to a Question on Notice from 29 February 2016, the Lord Mayor stated that there was a favourable variance of \$1,026,518 against the budget for engaging contractors for cleaning services.

How many cleaning hours are provided for under the current contract with Quad Services Pty Ltd?

How many cleaning hours were provided for under the previous contract?

How many square metres are covered for under the current cleaning contract with Quad Services Pty Ltd?

How many square metres are covered for under the previous cleaning contract?

What is the explanation for the significant budget saving for the City's contractors for cleaning services?

Can the Lord Mayor guarantee that cleaners in City of Sydney buildings are paid, at a minimum, award wages?

**Answer by the Lord Mayor**

Under the current contract, 103,006 hours have been allocated. The previous contract allocated 94,555 hours.

60,442 square meters are allocated under the contract. 60,407 square meters were allocated under the previous contract.

Brookfield Global Integrated Solution (the City's Property Service Provider) has undertaken a review of the current contract holder's payment arrangements with their employees. The review confirms that award wages are being paid.

**SOCIAL AND AFFORDABLE HOUSING DWELLINGS (S103142)**

2. By Councillor Scott

**Question**

The City's previous Affordable Rental Housing Strategy 2009-2014 sets targets to increase affordable housing dwellings by 7,959 and social housing dwellings by 653 by 2030.

To date, how many new affordable housing dwellings and social housing dwellings have been created in the City of Sydney since the introduction of the Affordable Rental Housing Strategy 2009-2014?

What is the remaining growth to 2030 for the City to achieve its targets of 7.5% of dwellings being social housing and 7.5% of all dwellings being affordable housing?

**Answer by the Lord Mayor**

At the time of the publication of the Affordable Rental Housing Strategy in 2009, there were an estimated total of 491 affordable rental housing dwellings, and 9,397 social housing dwellings in the City of Sydney.

The Green Square and Ultimo/Pymont schemes have contributed to the construction of over 850 affordable housing units, with an additional 550 dwellings in the development pipeline. The Southern Employment Lands scheme, which has recently been approved by Council and just commenced, will potentially add up to 900 units to our stock of affordable housing.

Post June 2015, there are estimated to be a further 654 affordable rental housing units either completed or in the development pipeline (ie, proposed/ DA lodged or approved/ under construction), including 104 units recently completed by City West in Green Square (Portman Street).

Remaining growth required to achieve the City's targets, based on June 2015 estimates for affordable rental and social housing, plus estimates of additional affordable rental housing units in the development pipeline are 37,000 dwellings by 2030, of which 550 will need to be social housing and 8,943 will need to be affordable.

Delivery of social and affordable rental housing is heavily reliant on collaborative action across all levels of government, in particular, state government support is needed for the City to facilitate supply through planning mechanisms at its disposal.

**MAIL COMMUNICATIONS (S103142)**

**3. By Councillor Scott**

**Question**

Since September 2014, by month, how many mail communications (direct mail or otherwise) over 1,000 items has the City sent, excluding notifications for development applications?

For each mail communication over 1,000 items, what was the cost and the topic covered by the mail item?

For each mail communication over 1,000 items, did any include the signature of the Lord Mayor and, if so, which items?

For each mail communication over 1,000 items, did any include a message from the Lord Mayor and, if so, which items?

**Answer by the Lord Mayor**

The City of Sydney has a legal obligation to inform all residents in its Local Government Area of its actions, policies and operations, the majority of which emanate from decisions of Council.



Since September 2014, approximately 550 direct mail and electronic communications projects of over 1,000 items have been produced, totalling in excess of 3.8 million individual communications delivered to letterboxes and inboxes at a cost of \$1.5M, covering production, printing and distribution. Topics have included capital works launches, community events, Green Square news, construction updates and consultations, as well as regular newsletters for Green Villages, City Business, Sydney Cycleways, KGV, What's On, Creative City and Sydney City News.

The Lord Mayor's signature appeared on only 84 communications, which included capital works launches, Green Square updates, Sydney City News, NYE event guides, City Farm consultations, some construction updates, Green Villages news, libraries newsletter, City Business newsletter, Sydney Cycleways newsletter and Sydney City News newsletter.

Sixty-eight communications included messages from the Lord Mayor on projects, including capital works launches, Green Square updates, Sydney City News, NYE event guides, City Farm consultations, City Business newsletter, Sydney Cycleways newsletter, Green Villages newsletter, Creative City newsletter and Sydney City News newsletter.

## **NON-RESIDENTIAL REGISTER (\$103142)**

### **4. By Councillor Scott**

#### **Question**

The City's forms relating to registering for the non-residential register includes a consent option for the City of Sydney Council Elections Unit to be authorised to share the information gathered on the form with other City of Sydney business units who may then contact the person/s or organisation/s on the form.

Which other City of Sydney business units have had in the past, currently have, or will have in the future, access to information supplied on the registration forms for the non-residential roll?

Who will be authorised to contact any person/s or organisation/s from the data gathered through the registration form for the non-residential roll?

When will contact be made to any person/s or organisation/s from the data gathered through the registration form for the non-residential roll?

How will contact be made to any person/s or organisation/s from the data gathered through the registration form for the non-residential roll?

What is the budgeted cost for contacting any person/s or organisation/s from the data gathered through the registration form for the non-residential roll?

Will the Lord Mayor, the Lord Mayor's Office or any other Councillors or their offices have access to, or be authorised to make contact with, individuals who have or may be eligible to be entered onto the non-residential register?

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

The City offers a range of engagement opportunities to interested stakeholders on an opt-in basis (see <http://www.cityofsydney.nsw.gov.au/subscribe>).

The purpose of the Consent box on the Non-Residential Register Form A is to enable the City to engage with non-resident owners, rate-paying lessees and occupiers of properties within its boundaries.

Once the Non-Residential Register is established, the names and email addresses of individuals who have indicated that their information can be shared with other City business units will be given by the Council Elections Unit to the Marketing and Creative Services Unit. This Unit will email those consenting individuals to offer opt-in access to the range of e-newsletters, applications and RSS feeds distributed by the City to interested stakeholders. Costs associated with this process are negligible.

The Council Elections Unit is the only unit in the City with access to the information provided by individuals to establish the Non-Residential Register. No other business units within the City will have access to information provided by individuals to establish the Non-Residential Register, except in the case described above.

### **FIG AND WATTLE DEPOT (S103142)**

5. By Councillor Scott

#### **Question**

On 14 December 2015, Council resolved that the Lord Mayor be delegated to commence negotiations with the NSW Government for the sale of the Fig and Wattle Street Depot for the provision of school and childcare facilities in Ultimo, noting that the proposed final sale price would need to be brought before Council for approval.

Can the Lord Mayor provide Council with an update on these negotiations?

Since 14 December 2015, have any discussions occurred between the Lord Mayor and representative/s of the NSW Government relating to the sale of the Fig and Wattle Street Depot?

Since 14 December 2015, have you sent or received any correspondence to or from the NSW Government relating to the sale of the Fig and Wattle Street Depot?

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

On 17 December 2015, I sent a letter to the Minister for Education, the Hon. Adrian Piccoli as per the resolution of Council 14 December 2015.

On 15 February 2016, I received a response from the Minister for Education.

On 14 March 2016, the CEO received a subsequent letter from Mr John Neish, Director of Planning and Property, NSW Department of Education.

**SOCIAL PLAN (S103142)**

6. By Councillor Scott

**Question**

How many and which recommendations, actions and outcomes of the Connecting People, Building Communities: Social Plan 2006-2010 were successfully implemented?

How many and which recommendations, actions and outcomes of the Connecting People, Building Communities: Social Plan 2006-2010 were partially implemented?

How many and which recommendations, actions and outcomes of the Connecting People, Building Communities: Social Plan 2006-2010 were not implemented?

Broken down by year, what budget was allocated to the Connecting People, Building Communities: Social Plan 2006-2010?

Broken down by year, in the Long Term Financial Plan, what funding has been allocated to the Social Sustainability Discussion Paper and forthcoming Action Plan?

**Answer by the Lord Mayor**

In 2009, the NSW Government replaced the Management Plan and Social Plan requirements of Councils with the Integrated Planning and Reporting framework.

A comprehensive report on the actions delivered from Connecting People, Building Communities: Social Plan 2006-2010 was provided to the then Council in 2009. That comprehensive report will be circulated to Councillors in the CEO Update.

On 30 June 2008, Council adopted Sustainable Sydney 2030, which has a considerable focus on social outcomes, most strongly articulated in Strategic Direction 5 (A lively and engaging city centre), Strategic Direction 6 (Vibrant local communities and economies) and Strategic Direction 8 (Housing for a diverse population).

The City incorporated Sustainable Sydney 2030 into its Integrated Planning and Reporting framework which has been endorsed by Council annually, as part of the Delivery Program and Operational Plan.

**COMMUNITY CENTRES (S103142)**

7. By Councillor Scott

**Question**

Since 2004, broken down by year, how many community centre upgrades has the City undertaken?

Since 2004, broken down by year, where has the City undertaken community centre upgrades and at what cost for each project?

Broken down by year, how many community centre upgrades does the City plan to undertake over the forthcoming four years?

Broken down by year, where will future community centre upgrades be undertaken and at what cost for each project?

How was the priority for each community centre upgrade determined and who was consulted?

**Answer by the Lord Mayor**

Assuming comparable data is available for the 12 year 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 Councillors via CEO Update.

**CHILD CARE CENTRES (S103142)**

8. By Councillor Scott

**Question**

In answer to a Question on Notice from 23 June 2014, the Lord Mayor stated that the new child care centre at 277 Bourke Street, Darlinghurst, is expected to be completed by late 2015.

Is the new child care centre at 277 Bourke Street, Darlinghurst complete?

If not, what is the reason for the delay?

When will the child care centre at 277 Bourke Street, Darlinghurst be operational?

When will the City's five other new child care centres be opened?

The City is committed to spending \$55 million funding six new child care centres by 2016.

Will the Lord Mayor give a commitment that, if funds remain unspent by 2016, the \$55 million funding commitment will be maintained in future budgets for child care centres?

Will the Lord Mayor give a commitment that, if there are surplus funds available once the six child care centres are complete, these funds will be allocated to future investment in child care services in future?

**Answer by the Lord Mayor**

I have requested the CEO to prepare a report on these matters.

**OPEN SPACE AND RECREATION NEEDS STUDY (S103142)**

9. By Councillor Scott

**Question**

When will the City of Sydney's Open Space and Recreation Needs Study be presented to Council?

**Answer by the Lord Mayor**

A report is currently being finalised.

**STAFFING (S103142)**

10. By Councillor Scott

**Question**

Is there currently a staffing freeze in any City of Sydney departments or teams?

If so, which departments or teams are affected and for how long?

**Answer by the Lord Mayor**

There is no staff freeze in place within the City of Sydney.

All positions are appropriately budgeted for the 2015/16 financial year, as approved by Council in June 2015.

It is good management practice to review all positions whenever they become vacant, to determine the optimal mix of resources to deliver the City's vision, programs, services and objectives. This work continues as normal, and positions continue to be advertised and recruited through the normal channels and procedures.

**AQUATIC CENTRE CONSULTATIVE COMMITTEES (S103142)**

11. By Councillor Scott

**Question**

Does the City facilitate any consultative committees relating to the City's aquatic centres?

If so, for which aquatic centres are there consultative committees and how often do they meet?

Have any issues been raised by any consultative committee? If so, by aquatic centre, what issues have been raised?

How are issues raised by consultative committees addressed?

**Answer by the Lord Mayor**

Only the Ian Thorpe Aquatic Centre has a consultative committee which has been operating since the centre opened in 2007. Attendance by the community is limited and numbers fluctuate, in some cases attracting only two representatives. The City has previously advertised within the centre for additional community representatives, with no success. Each meeting is also attended by City staff responsible for the management of the contract. The issues raised at each meeting vary; the most common items are associated with general maintenance and presentation, updating of equipment and program scheduling.

The current arrangements provide regular opportunities for community feedback and suggestions regarding management and operation of the centres.

The City has a range of additional mechanisms to receive feedback from the community. Feedback is encouraged and welcomed through daily interaction with staff, telephone, website, email and a feedback form at reception, and the recent introduction of the service-wide 'open days'. Additionally, a customer service quality survey is also done annually through the University of South Australia.

## **SOLAR PHOTOVOLTAIC INSTALLATIONS (S103142)**

**12.** By Councillor Scott

### **Question**

When will solar photovoltaic technology be installed and operational on the Green Living Centre, Newtown?

When will solar photovoltaic technology be installed and operational on the Bay Street Depot, Ultimo?

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

A preliminary design has been completed for the Green Living Centre and installation is planned before the end of the 2016/17 financial year.

Council is currently considering tenders for upgrading of buildings at the Bay Street Depot. These works will be undertaken in three stages to enable City operations and services to continue. Completion of all stages is expected by December 2017. As buildings are progressively completed, those with suitable rooftops will have photovoltaic systems installed.

## **SOLAR HOT WATER INSTALLATIONS (S103142)**

**13.** By Councillor Scott

### **Question**

According to the Green Report: July to December 2015, 12 City of Sydney properties have had solar hot water systems installed.

Were any other City of Sydney properties considered for the installation of solar hot water systems?

If so, which properties?

Are there plans to extend the installation of solar hot water systems to any other City of Sydney properties?

If so, which properties and when will these be complete?

**Answer by the Lord Mayor**

The City of Sydney considers properties for solar hot water installation based on the following: results of an investigation into the existing hot water infrastructure and the capacity to convert them to solar hot water; operational needs; planned capital works program; consumption of hot water; available roof space; heritage impact and future use of the property.

The priority is to install photovoltaic (PV) panels where possible as it delivers greater benefits in terms of energy and greenhouse reductions.

For the City's new buildings, sustainability best practice is incorporated into building design.

**HAYMARKET LIBRARY (S103142)**

14. By Councillor Scott

**Question**

Since 2004, broken down by year, how much was spent on upgrades to or any other works on the current Haymarket Library?

What are the future plans for the City's current Haymarket Library?

**Answer by the Lord Mayor**

From 2009/10 to 2013/14, approximately \$581,000 was spent on Haymarket Library refurbishment. Options for the future use of Haymarket Library are yet to be determined and staff will investigate and report back to Council when options are finalised.

**CROWN STREET CYCLE INFRASTRUCTURE WORKS (S103148)**

15. By Councillor Forster

**Question**

At the 15 October 2014 Local Pedestrian, Cycling and Traffic Calming Committee, the Committee unanimously carried a recommendation to endorse widening the footway and installing bicycle parking on the eastern side of Crown Street, Surry Hills, just south of the intersection of Fitzroy Place. The bicycle parking is being installed in front of a cycling-themed café trading as Rapha Cycle Club, at 406-410 Crown Street.

In the October 2014 Committee papers, it was claimed that the City had received ongoing requests to improve pedestrian safety and accessibility on the eastern side of Crown Street, Surry Hills, just south of the intersection with Fitzroy Place.

According to the LPCTCC papers, Rapha Cycle Club hosts weekly club rides on weekends and special event rides which start and finish at the Rapha café on Crown Street and which regularly attract up to 100 cyclists.

The papers also state that the current bicycle parking arrangements on the footpath outside Rapha obstruct the footpath, which generates complaints from residents.

1. How many requests were made to the City to improve pedestrian safety and accessibility outside Rapha Cycle Club, Sydney at 406-410 Crown Street?
2. Who did those requests come from?
3. How many times have the Rapha Cycle Club weekly weekend rides and special event rides that start and finish at Rapha on Crown Street attracted 100 cyclists?
4. On average, how many cyclists attend the Rapha Cycle Club weekly weekend rides and special event rides?
5. How many complaints did the City receive about the previous bicycle parking arrangements on the footpath outside Rapha?
6. What was the nature of those complaints?
7. Why has construction of this project taken almost 1.5 years?
8. What other bicycle parking options were considered prior to this option being endorsed?
9. Did the City consult with the nearby Chinese Presbyterian Church about the use by Rapha of vacant space in Fitzroy Place for the installation of bicycle parking?
10. Did the City consult with surrounding businesses about the loss of a Loading Zone space on Crown Street in order to accommodate the bicycle parking?

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

Two requests were made to the City since May 2014, one on behalf of Rapha and one complaint from a member of the public about footpath obstruction.

After LPCTCC approval, the proposal was submitted to the Central Sydney Traffic and Transport Committee (CSTTC) on 11 February 2015. On 11 March 2015, the [CSTTC Out of Session Resolution](#) directed the City to defer the works for three months to address RMS concerns. City staff subsequently met with RMS & TfNSW. On 1 June 2015, the [CSTTC Out of Session Resolution](#) required the City to implement an 11m loading zone nearby, subject to community consultation and LPCTCC endorsement. Community consultation was undertaken in June and July 2015 and the 11m loading zone was endorsed by LPCTCC on 19 August 2015. The project was then added to the City's Capital Works Program for construction.

Two other bicycle parking options were considered, in Fitzroy Place and Fitzroy Street. The City did not consult with the Chinese Presbyterian Church but did consult with surrounding businesses.

#### **OPEN SPACE, SPORTS AND RECREATION NEEDS STUDY (S103148)**

16. By Councillor Forster

#### **Question**

On 10 August 2015, in an answer to a Question on Notice, the Lord Mayor stated that a new Open Space, Sports and Recreation Needs Study would be reported to Council 'later this year'.



When will the Open Space, Sports and Recreation Needs Study come to Council?

**Answer by the Lord Mayor**

Please refer to my answer to Question on Notice 9.

**RAINGARDENS (S103148)**

17. By Councillor Forster

**Question**

1. How many raingardens are there currently in the City of Sydney LGA?
2. How much has the City spent on the installation of these raingardens?
3. How much does the City spend on the ongoing maintenance of these raingardens and what does the maintenance process involve?
4. In dollar terms, what is the economic benefit of these raingardens?
5. How many more raingardens are scheduled to be installed from now until 30 June 2017 and at what cost?

**Answer by the Lord Mayor**

The City is doing all we can to increase urban canopy and our environmental performance. Raingardens help deliver both. Raingardens filter rubbish, sediments, oils and other pollutants in stormwater run-off from roadways and paved surfaces. They contain water-tolerant plants which clean the stormwater before it flows into our drains and waterways. Raingardens provide a broad range of environmental and economic benefits to our community, creating more resilient, liveable and healthier communities.

The economic benefit of raingardens is an area of current research by the Cooperative Research Centre (CRC) for Water Sensitive Cities (of which the City is a partner organisation).

There are currently 144 raingardens in the local government area costing \$2.66 million. The annual cost of raingarden maintenance is met through the budget for street and footpath maintenance and cleansing.

There are 20 raingardens planned to be constructed from now until 30 June 2017 at an estimated cost of \$386,340. This cost excludes water treatment systems delivered by developers and within open space, such as Harold Park, Victoria Park and The Drying Green, Green Square.

**ITEM 13 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS**

There were no supplementary answers to previous Questions on Notice for this meeting of Council.

**ITEM 14 NOTICES OF MOTION****INCREASE FUNDING FOR VILLAGE BUSINESS GRANT PROGRAM (S103135)**

1. 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.

The motion was lost on the following show of hands –

Ayes (2) Councillors Mandla and Vithoukas

Noes (7) The Lord Mayor, Councillors Doutney, Forster, Green, Kok, Mant and Scott.

Motion lost.

### **WEBCASTING (S103135)**

2. Moved by Councillor Mandla, seconded by Councillor Forster -

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.

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

It is resolved that Council:

- (A) note that:
- (i) participatory democracy is at the heart of Local Government;
  - (ii) the City of Sydney Council is Green, Global and Connected, with a commitment to consultation and community involvement; and
  - (iii) technology, specifically webcasting via live streaming over the Internet, can potentially increase participatory democracy and reduce the carbon footprint of running Council and Committee meetings; and
- (B) request the Chief Executive Officer to prepare a costed implementation plan for a 12 month trial of live streaming using the most reasonable equipment and approach, including any required amendments to the Code of Meeting Practice, to be brought back to the Council meeting of 16 May 2016 for approval to proceed.

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

### **ALTERATION OF COUNCIL AGENDA AND CODE OF MEETING PRACTICE (S103135)**

3. Moved by Councillor Mandla, seconded by Councillor Forster -

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.

The motion 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.

#### **FREE WI-FI AROUND SYDNEY TOWN HALL AND THE QVB FORECOURT (S103136)**

4. Moved by Councillor Green, seconded by Councillor Forster -

It is resolved that:

- (A) Council note:
- (i) my Notice of Motion on 30 March 2015 that requested the Chief Executive Officer work closely with the NSW Government to deliver free Wi-Fi within the Sydney CBD and report back to Council via the CEO update on progress;
  - (ii) that the NSW Government has been very slow in its response to the City on this work and that free Wi-Fi in the CBD has not yet been implemented; and
  - (iii) the City of Sydney's 2016 Social Sustainability Draft Policy and Discussion Paper recommends that opportunities be explored to provide increased access to Wi-Fi opportunities through community centres and in the public domain; and
- (B) the Chief Executive Officer be requested to:
- (i) investigate opportunities for the City of Sydney to provide free Wi-Fi around the Town Hall precinct, including Town Hall steps and Sydney Square, in addition to the Queen Victoria Building forecourt - corner Druitt and George Streets; and

- (ii) report progress via the CEO update.

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

That the motion be amended such that clause (B)(i) read as follows:

- (i) investigate opportunities for the City of Sydney to provide free Wi-Fi around the CBD; and

Foreshadowed amendment. The Lord Mayor foreshadowed that, should Councillor Forster's amendment be lost, she would move the following amendment:

That the motion be amended by the addition of the following new clause (B)(ii) and the renumbering of existing clause (B)(ii):

- (ii) investigate opportunities to provide free Wi-Fi in other areas of the CBD under the control of the City; and

Councillor Forster's 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 Lord Mayor then moved her foreshadowed amendment, seconded by Councillor Forster.

Councillor Green accepted the amendment as a variation to her motion.

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

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

It is resolved that:

(A) Council note:

- (i) my Notice of Motion on 30 March 2015 that requested the Chief Executive Officer work closely with the NSW Government to deliver free Wi-Fi within the Sydney CBD and report back to Council via the CEO update on progress;
- (ii) that the NSW Government has been very slow in its response to the City on this work and that free Wi-Fi in the CBD has not yet been implemented; and
- (iii) the City of Sydney's 2016 Social Sustainability Draft Policy and Discussion Paper recommends that opportunities be explored to provide increased access to Wi-Fi opportunities through community centres and in the public domain; and

(B) the Chief Executive Officer be requested to:

- (i) investigate opportunities for the City of Sydney to provide free Wi-Fi around the Town Hall precinct, including Town Hall steps and Sydney Square, in addition to the Queen Victoria Building forecourt - corner Drutt and George Streets;
- (ii) investigate opportunities to provide free Wi-Fi in other areas of the CBD under the control of the City; and
- (iii) report progress via the CEO update.

### **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 8.42pm, those present were –

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

### **ENERGY EFFICIENCY AND RENEWABLE ENERGY (S103133)**

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

It is resolved that:

- (A) Council note that the Green Environmental Sustainability Progress Report: July to December 2015 states that currently there is a deficit of 689,081 tCO<sub>2</sub>-e required to be reduced to achieve the City's LGA 2030 emissions target; and
- (B) the Chief Executive Officer be requested to develop a costed plan including energy efficiency measures and renewable energy technologies to account for the deficit of 689,081 tCO<sub>2</sub>-e required to be reduced to achieve the City's LGA 2030 emissions target and that this plan be presented to Council for consideration prior to the end of 2016.

Foreshadowed motion. Councillor Mant foreshadowed that, should Councillor Scott's motion be lost, he would move the following alternative motion:

It is resolved that Council note that:

- (A) the City of Sydney has a greenhouse gas emission reduction target for the Local Government Area (LGA) of 70 per cent below 2006 levels by 2030;
- (B) this target is one of the most ambitious in Australia, substantially more ambitious than the Federal Government's emissions reduction target of 26-28 per cent below 2005 levels by 2030, and the ALP's proposed target of 45 per cent below 2005 levels by 2030;



- (C) the Green Environmental Sustainability Progress Report: July to December 2015 states that currently there is a deficit of 689,081 tCO<sub>2</sub>-e required to be reduced to achieve the City's LGA 2030 emissions target due to the continued absence of appropriate climate change policies from Federal and State Governments, most notably a price on carbon and adequate policies to support renewable energy; and
- (D) the Chief Executive Officer is renewing the City's current environmental policies in light of the Paris climate summit agreement and recent achievements, research and targets of other relevant cities to ensure the City continues to demonstrate environmental leadership, as requested in the Lord Mayoral Minute which was endorsed unanimously at the December 2015 meeting of Council.

The motion 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.

Carried unanimously.

### **PYRMONT BRIDGE (S103133)**

6. Moved by Councillor Scott, seconded by Councillor Mandla -

It is resolved that:

(A) Council note:

- (i) Pyrmont Bridge is a key strategic pedestrian and cyclist link for residents, workers, and visitors, connecting Pyrmont and Ultimo to the CBD;
- (ii) Pyrmont Bridge is owned and managed by the Sydney Harbour Foreshore Authority (SHFA);
- (iii) the Resolution of Council of 27 April 2015 adopting the Walking Strategy and Action Plan 2015-2030, which includes targets that one third of commuter trips by City of Sydney residents be by walking and that the City aims to improve walking amenity by 10% on main activity streets through planned upgrades;
- (iv) currently there is no shade protection along the length of Pyrmont Bridge; and
- (v) Pyrmont Bridge is protected under the Heritage Act 1977 as an item of State significance for its aesthetic, historical, and scientific cultural values, as well as being listed on the Register of the National Estate; and

(B) the Chief Executive Officer be requested to:

- (i) prepare a feasibility study for providing shade protection along the length of Pyrmont Bridge to increase its amenity, encourage greater pedestrian and cyclist patronage of the bridge, and not inhibit pedestrian or cyclist movements on the bridge, while protecting the heritage value of the bridge;

- (ii) write to the SHFA to initiate a joint feasibility project between the City and the SHFA to provide shade protection along the length of Pyrmont Bridge; and
- (iii) report back to Councillors via CEO Update on the outcomes of the feasibility study and response from the SHFA.

Amendment. Moved by Councillor Kok, seconded by Councillor Green -

That the motion be amended such that it read as follows:

It is resolved that:

(A) Council note:

- (i) Pyrmont Bridge is a key strategic pedestrian and cyclist link for residents, workers and visitors, connecting Pyrmont and Ultimo to the CBD;
- (ii) Pyrmont Bridge is owned and managed by the Sydney Harbour Foreshore Authority (SHFA);
- (iii) the Resolution of Council of 27 April 2015 adopting the Walking Strategy and Action Plan 2015-2030, which includes targets that one third of commuter trips by City of Sydney residents be by walking and that the City aims to improve walking amenity by 10% on main activity streets through planning upgrades;
- (iv) the NSW Government's strategy 'Sydney's Walking Future' that aims to get people in Sydney walking more through actions that make it a more convenient, better connected and safer mode of transport;
- (v) currently there is no shade protection along the length of Pyrmont Bridge; and
- (vi) Pyrmont Bridge is protected under the Heritage Act 1977 as an item of State significance for its aesthetic, historical and scientific cultural values, as well as being listed on the Register of the National Estate; and

(B) the Chief Executive Officer be requested to:

- (i) write to SHFA and request that they investigate options for providing shade across Pyrmont Bridge; and
- (ii) report back to Councillors via the CEO Update on SHFA's response.

The amendment was carried unanimously.

The substantive motion was carried unanimously.

### **SMART CITIES (S103133)**

7. Moved by Councillor Scott, seconded by Councillor Mandla -

It is resolved that:

(A) Council note:

- (i) that technological innovation is a key component for planning and delivering urban infrastructure and services in the twenty-first century;
  - (ii) advances in information and communications technologies have proven utility in the management of cities in more effective and efficient ways; and
  - (iii) that other LGAs in NSW are making significant headway in implementing smart cities technologies, including Parramatta City Council which has recently adopted a Smart City Masterplan and appointed a Strategic Project Officer to oversee the implementation of Smart City initiatives; and
- (B) the Chief Executive Officer be requested to:
- (i) prepare a feasibility study and draft policy on investigating and implementing smart technologies in the City's infrastructure and services; and
  - (ii) report back to Councillors via CEO Update on the outcomes of the feasibility study.

Foreshadowed motion. Councillor Mant foreshadowed that, should Councillor Scott's motion be lost, he would move the following alternative motion.

It is resolved that:

- (A) Council note:
- (i) that technological innovation is a key component for planning and delivering urban infrastructure and services in the twenty-first century;
  - (ii) advances in information and communications technologies have proven utility in the management of cities in more effective and efficient ways; and
  - (iii) the City of Sydney is developing a digital strategy to ensure:
    - (a) the City has the skills, capacity and connectivity to confidently embrace the challenges and opportunities of the digital era;
    - (b) new technologies help us;
    - (c) our environment and strong economy is maintained;
    - (d) creativity and innovation is supported;
    - (e) our community continues to be effectively serviced; and
    - (f) connectivity within our community and the rest of the world is fostered;
  - (iv) Councillors were briefed on this work on 27 July 2015; and
  - (v) consultation on the strategy occurred between 27 July and 10 August 2015;
- (B) Council commend Parramatta City Council on developing and adopting its Smart City Masterplan; and
- (C) Council request that the Chief Executive Officer provide a briefing to Councillors on progress in developing the digital strategy.

The motion was lost on the following show of hands –

Ayes (4) Councillors Forster, Mandla, Scott and Vitoulkas

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

Motion lost.

Councillor Mant then moved his foreshadowed motion, seconded by Councillor Green.

Carried unanimously.

## **REGULATIONS FOR BACKPACKER HOSTELS (S103139)**

8. By Councillor Forster -

It is resolved that:

(A) Council note:

- (i) on 26 October 2015, Council passed a resolution requesting the Lord Mayor write to the State Government requesting legislative amendments to address issues arising from ‘unregulated backpacker accommodation’;
- (ii) Clause (A)(i) of the resolution cited an incident in which a man was injured in a fall at a backpacker hostel in Potts Point;
- (iii) Clause (A)(ii) asserts the existence of an “existing dangerous anomaly of the lack of legislation and regulatory controls for the management of backpacker hostels operating under ‘existing use rights’”;
- (iv) Clause (A)(v) asserts that “as the legislation stands, there are insufficient powers for the City of Sydney and other authorities to regulate and ensure responsible management of backpacker premises”;
- (v) Clause (A)(vii) asserts that it “is of great concern that [young travellers] safety is at risk while in backpacker premises which potentially operate with minimal regulatory standards”;
- (vi) the incident referred to in Clause (A)(i) was investigated by Kings Cross Police and was the subject of a building code compliance investigation by City of Sydney Council, both of which were completed prior to the resolution being passed, and neither of which resulted in any required changes to the safety and management practices or building conditions at the backpacker hostel in question;
- (vii) the owner of the business where the incident occurred was not notified of the Notice of Motion, passed at the October 2015 Council meeting, in advance of it being discussed by Council;
- (viii) most backpacker hostels in the Kings Cross/Potts Point area are located in B4 Mixed Use or B2 Local Centre zones and do not operate under ‘existing use rights’, but rather operate under DAs or ‘continuing use rights’;

- (ix) backpacker hostels are already highly regulated under the Local Government Act 1993, Environmental Planning and Assessment Act 1979, and the Protection of the Environment Operations Act 1997, which give Council the power to:
    - (a) conduct fire safety inspections and issue any required orders;
    - (b) conduct building inspections and issue any required orders; and
    - (c) investigate complaints about noise and issue any required noise abatement directions;
  - (x) most backpacker hostels in Potts Point and Kings Cross:
    - (a) have 24 hour reception desks and/or night managers;
    - (b) restrict access to courtyards and other outdoor areas after 10pm to minimise noise;
    - (c) restrict or prohibit non-guests on the premises; and
    - (d) evict guests who cause excessive noise or engage in antisocial behaviour;
  - (xi) the operators of backpacker hostels do not have any control over the behaviour of people outside their premises;
  - (xii) nearby residents are able to raise any concerns they have about the operations of backpacker hostels with both Council and NSW Police; and
  - (xiii) according to a letter written by the Lord Mayor dated 23 February 2016, the operators of backpacker hostels continue to work effectively with both Council and NSW Police to address the concerns of nearby residents as they arise; and
- (B) Council request the Chief Executive Officer to:
- (i) undertake a Safer by Design Evaluation of public spaces in Potts Point and Kings Cross led by Council, in consultation with NSW Police and community and backpacker operator representatives, designed to identify and implement strategies consistent with Crime Prevention Through Environmental Design (CPTED) principles; and
  - (ii) take steps to ensure that, in future, prior notification is provided to any specific person, business or property owner who or which has been identifiably referred to in a Notice of Motion to Council.

Note – at the meeting of Council, the content of the original Notice of Motion was varied by Councillor Forster. Subsequently, it was:

Moved by Councillor Forster, seconded by Councillor Mandla -

It is resolved that:

(A) Council note:

- (i) on 26 October 2015, Council passed a resolution requesting the Lord Mayor write to the State Government requesting legislative amendments to address issues arising from 'unregulated backpacker accommodation';
  - (ii) Clause (A)(i) of the resolution cited an incident in which a man was injured in a fall at a backpacker hostel in Potts Point;
  - (iii) Clause (A)(ii) asserts the existence of an "existing dangerous anomaly of the lack of legislation and regulatory controls for the management of backpacker hostels operating under 'existing use rights'";
  - (iv) Clause (A)(v) asserts that "as the legislation stands, there are insufficient powers for the City of Sydney and other authorities to regulate and ensure responsible management of backpacker premises";
  - (v) Clause (A)(vii) asserts that it "is of great concern that [young travellers] safety is at risk while in backpacker premises which potentially operate with minimal regulatory standards";
  - (vi) the incident referred to in Clause (A)(i) was investigated by Kings Cross Police and was the subject of a building code compliance investigation by City of Sydney Council, both of which were completed prior to the resolution being passed, and neither of which resulted in any required changes to the safety and management practices or building conditions at the backpacker hostel in question;
  - (vii) the owner of the business where the incident occurred was not notified of the Notice of Motion, passed at the October 2015 Council meeting, in advance of it being discussed by Council;
  - (viii) the operators of backpacker hostels do not have any control over the behaviour of people outside their premises;
  - (ix) nearby residents are able to raise any concerns they have about the operations of backpacker hostels with both Council and NSW Police;
  - (x) according to a letter written by the Lord Mayor dated 23 February 2016, the operators of backpacker hostels continue to work effectively with both Council and NSW Police to address the concerns of nearby residents as they arise; and
  - (xii) residents and backpacker operators have reported that, since the 2014 introduction of lock-out laws, the behaviour and socialising patterns of people staying in backpacker hostels in Potts Point and Kings Cross have changed, notably Springfield Gardens is now being used as a late night gathering place.
- (B) Council request the Chief Executive Officer to:
- (i) undertake a Safer by Design Evaluation of public spaces in Potts Point and Kings Cross led by Council, in consultation with NSW Police and community and backpacker operator representatives, designed to identify and implement strategies consistent with Crime Prevention Through Environmental Design (CPTED) principles; and

- (ii) take steps to ensure that, in future, prior notification is provided to any specific person, business or property owner who or which has been identifiably referred to in a Notice of Motion to Council.

Foreshadowed motion. Councillor Mant foreshadowed that, should Councillor Forster's motion be lost, he would move the following alternative motion:

It is resolved that:

(A) Council note:

- (i) on 26 October 2015, Council passed a resolution requesting the Lord Mayor write to the State Government requesting legislative amendments to address issues arising from 'unregulated backpacker accommodation';
- (ii) this motion:
  - (a) followed requests made by the City to the NSW Government for legislative change in the regulation of backpacker accommodation since before 2013 to strengthen the City's enforcement powers related to backpacker hostels operating with old planning consents and no Plans of Management;
  - (b) responded to concerns from local residents in Kings Cross/Potts Point about the cumulative impact of the operation of backpacker hostels; and
  - (c) did not reference a specific individual or hostel;
- (iii) in October 2015, the Lord Mayor wrote to the Minister for Innovation and Better Regulation and the Minister for Planning requesting legislative amendments to address unregulated backpacker accommodation providers operating on old consents, the safety of guests and anti-social behaviour;
- (iv) on 14 December 2015, the Lord Mayor, Councillor Green and residents met with the Minister for Innovation and Better Regulation to discuss options for reform, including a single piece of legislation which better regulates all forms of commercial share accommodation through expansion of the Boarding Houses Act 2012; and
- (v) the City is continuing to work with the Backpackers Association and the Police in managing anti-social behaviour; and

(B) Council continue to advocate for appropriate regulatory and legislative reform to address backpacker hostels operating on old consents without the requirement for Plans of Management.

Following discussion, Councillor Forster withdrew her Notice of Motion.

### **NEWTOWN FRIDAY NIGHT VIBES (S103137)**

9. By Councillor Doutney -

It is resolved that:

(A) Council note:

- (i) Newtown has undergone significant changes, as more people are frequenting the area for its nightlife due to the Lockout Laws. This has been putting Newtown's diversity at risk, and has made many locals feel unsafe;
  - (ii) that the City has funded the trial, due to end in April 2016, for Newtown Neighbourhood Centre's initiative of "Safer Bars Training" and "Friday Night Vibes", which has been met with great enthusiasm from the community. The aim of this initiative is to keep Newtown a safe and inclusive space, for example, greeting and welcoming people with flowers at the train station;
  - (iii) that Newtown must continue to challenge the influx of mainstream culture that has recently hit by strengthening the image of diversity, through such programs as "Friday Night Vibes"; and
  - (iv) that such initiatives require consistency for success, and must have secure funding. Reports from the Newtown Neighbourhood Centre have demonstrated the trial's success; and
- (B) the Chief Executive Officer be requested to consider how Council can continue funding the program "Friday Night Vibes" and other initiatives which use community-based ideas to promote diversity, into the future.

Note – at the meeting of Council, the content of the original Notice of Motion was varied by Councillor Doutney. Subsequently, it was:

Moved by Councillor Doutney, seconded by Councillor Green -

It is resolved that:

- (A) Council note:
- (i) Newtown has undergone significant changes, as more people are frequenting the area for its nightlife due to the Lockout Laws. This has been putting Newtown's diversity at risk, and has made many locals feel unsafe;
  - (ii) that the City has funded the trial, due to end in April 2016, for Newtown Neighbourhood Centre's initiative of "Safer Bars Training" and "Friday Night Vibes", which has been met with great enthusiasm from the community. The aim of this initiative is to keep Newtown a safe and inclusive space, for example, greeting and welcoming people with flowers at the train station;
  - (iii) that Newtown must continue to strengthen its image of diversity, through such programs as "Friday Night Vibes"; and
  - (iv) that such initiatives require consistency for success, and must have secure funding. Reports from the Newtown Neighbourhood Centre have demonstrated the trial's success; and
- (B) the Chief Executive Officer be requested to consider how Council can continue funding the program "Friday Night Vibes" and other initiatives which use community-based ideas to promote diversity, into the future.



The motion was carried on the following show of hands –

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

Noes (1) Councillor Forster.

Motion carried.

At 9.56pm the meeting concluded.

Chair of a meeting of the Council of the City  
of Sydney held on 11 April 2016 at which  
meeting the signature herein was subscribed.