

# COUNCIL

Meeting No 3  
Monday 11 April 2016  
Notice No 3/1572  
Notice Date 7 April 2016

*minutes*

*city of villages*

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## **PRESENT**

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

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

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

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

Councillor Vithoukas left the meeting of Council at 5.15pm prior to discussion on Item 6.8 and returned at 5.16pm at the conclusion of discussion on that item. Councillor Vithoukas was not present at, or in sight of, the meeting of Council during discussion or voting on Item 6.8.

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

### Opening Prayer

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

## **Apologies**

Councillor Edward Mandla extended his apologies for his inability to attend the meeting of Council as he was interstate (due to family commitments).

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

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

Carried unanimously.

## **ITEM 1 CONFIRMATION OF MINUTES**

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

That the minutes of the meeting of Council of Monday 21 March 2016, as circulated to Councillors, be confirmed, subject to the following alteration on page 300, Item 8.5:

The words:

“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 –“

should read:

“Variation. Following discussion, at the request of the Chair (the Lord Mayor) and by consent, the amendment moved by Councillor Scott was varied, such that it read as follows, and added as clause (C) to the substantive motion:

- (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.”

Carried unanimously.

## **ITEM 2 DISCLOSURES OF INTEREST**

### **(a) Section 451 of the Local Government Act 1993**

Councillor Angela Vithoukas disclosed a less than significant, non-pecuniary interest in Item 6.8 on the agenda, as she has a business on George Street. Councillor Vithoukas stated that she would not be present for discussion or voting on Item 6.8.

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

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

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

**ITEM 3.1 INTERNATIONAL AWARD FOR STREET FURNITURE DESIGN****FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

The City's commitment to high quality design has again been internationally recognised, this time by the highly regarded Red Dot Awards for Product Design.

The City's stylish new street furniture, comprising a range of nine pieces, has received the Red Dot Award for Product Design in the Urban Design and Public Spaces category. The Red Dot Awards for Product Design, awarded since 1954, recognise excellence in design across 31 product categories, including interior design and categories covering consumer goods, household products, office equipment, furniture and fashion.

Participants from 57 nations submitted 5,200 products and innovations across the 31 award categories. The awards are selected by an independent 41 person jury of expert designers and architects, many of whom have also won prestigious design awards. The panel assessed each entry on criteria which included innovation, formal quality, functionality and ecological compatibility.

The award winning furniture was designed by Sydney architectural firm Tzannes in collaboration with Australian Built Urban Designs (ABUD) and City of Sydney staff. Fabrication was by ABUD at their Kurnell factory. Alec Tzannes has said that the objective was to "create a family of elements reflecting Sydney's unique cultural and urban context inspired by, among other things, the city's waterfront industrial heritage, the Harbour Bridge, the Sydney Opera House, and our outdoor lifestyle and culture."

The nine pieces in the collection comprise a seat with arm rests, pedestrian light pole, three bollards, bubbler, tree guard, tree grate and a bin. They will be installed throughout Sydney, with new trees planted at rest areas for shade. Pieces from the collection have already been installed at Barangaroo and Green Square. The furniture will also feature along the transformed George Street pedestrian boulevard and the revitalised Darling Harbour precinct.

A budget of \$300,000 a year over for the next 10 years has been allocated for the street furniture installations. These installations will coincide with ongoing street upgrades and other major projects throughout inner-Sydney, creating a more pleasant, interesting and accessible outdoor environment for residents, workers, visitors and tourists.

Councillors, this brings the number of national and international awards the City has won since 2004, for design excellence or sustainability, to over 95.

**RECOMMENDATION**

It is resolved that Council congratulate Alec Tzannes and his architectural firm, ABUD (Australian Built Urban Designs) and City of Sydney staff on the City's stylish new street furniture receiving the internationally prestigious Red Dot Award for Product Design in the Urban Design and Public Spaces category.

**COUNCILLOR CLOVER MOORE**  
Lord Mayor

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

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

Carried unanimously.

### **ITEM 3.2 SYDNEY RIDES BUSINESS CHALLENGE**

**FILE NO: S051491**

#### **MINUTE BY THE LORD MAYOR**

##### To Council:

In October 2014, Council approved the tender for UK-based company Love to Ride to run a fun, free competition encouraging workplaces to support staff to ride. The second Sydney Rides Business Challenge ran in 2016, after the great success of the 2015 event.

Worldwide, Love to Ride has staged programs in nine countries over the past 13 years, involving more than 168,000 people from 8,981 organisations.

The City's Sydney Rides Business Challenge ran from 22 February to 20 March 2016 and was an enormous success.

A record 4,465 people from 359 organisations took part, making this the largest event of its kind in the world. The number of people participating in the Challenge has increased year on year, and this year's record result shows Sydney businesses understand that active transport is a critical part of our city.

Sydney's outstanding result saw it outperform cities like London and Auckland by more than 500 riders. Almost 20 per cent of those who took part were new riders who had not been on a bike for at least 12 months – directly contributing to our Sustainable Sydney 2030 target for at least 10 per cent of City trips to be made by bike.

Businesses are some of the strongest supporters of our work to make riding a safer, easier transport option. This was evidenced by an impressive list of companies eager to take part in the event, including: Qantas, Westpac, LinkedIn, eBay, Hilton Sydney, Lend Lease, NRMA, RPA Hospital, Sydney University, 20<sup>th</sup> Century Fox, AECOM, AGL Energy, Allianz, AMP, Atlassian, ABC, Commonwealth Bank, Fairfax, Fire Rescue NSW, Foxtel, Fujitsu, Hewlett-Packard, Network Ten, NewsCorp, Reserve Bank of Australia, Sydney Water, Telstra, Transport for NSW, UTS and the University of NSW.

During the Challenge, bike riders log their rides and organisations of similar size compete in six different categories to get the highest proportion of staff riding. The Challenge also directly targets new riders (that is, those who've not been on a bike for at least 12 months). The main category winners were:

- 500-plus employees: NSW Office of Environment and Heritage;
- 200-499 employees: Hilton Sydney;
- 50-199 employees: 4mation Technologies;
- 20-49 employees: Eco Logical Australia;
- 7-19 employees: Paper Moose; and
- 3-6 employees: Architects Johannsen + Associates

Challenge participants logged almost 35,000 trips and more than 618,000 kilometres, the equivalent of travelling around Australia 42 times.

### **Encouraging new riders**

The Challenge is an important part of encouraging new riders across the City to give bike riding a try. Around one in five participants who took part this year were new riders - the people we most wanted to encourage.

These new riders were inspired by their colleagues (one employee at CarsGuide.com.au encouraged 34 of her colleagues to register and take part), and by our free Try-a-Bike sessions in Hyde Park, at Barangaroo and Observatory Hill.

I hope those first-timers continue to ride, adding to the growing number of Sydneysiders already riding to work and for fun and fitness.

### **Feedback from businesses**

During the Challenge, suit-wearing senior executives also circled the city in the Sydney Suit Ride, illustrating support from the top end of town.

Feedback received during the challenge was both positive and uplifting, including:

Dr Tim Williams, CEO, Committee for Sydney

"Cycling is not only an increasingly popular way to commute, it's also at the heart of the economic success of global cities. Biking cities are economically vibrant cities and attract talent. Cities which are hostile to bikes won't flourish in the competition for talent and investment."

Papermoose Digital Producer, Reese Geronimo

"Working on a computer all day can create all kinds of health issues down the track so, as a keen cyclist myself, I thought the Sydney Rides Business Challenge would be a great opportunity to get myself and my fellow co-workers active."

For the last decade, large City businesses have been calling for the City to make riding to work easier and safer. It is increasingly important we continue engaging with and supporting businesses as the City's connected cycleway network continues to grow.

Road congestion already costs our economy more than \$5 billion each year, and this is expected to climb to \$8 billion by 2020. Encouraging people to ride bikes helps to free up space on public transport and on the roads.

I'm proud of the investment the City has made in the past, and will continue to make in the future, to offer people more transport choices. Our growing network of cycleways is helping to make the city cleaner, quieter, healthier and more accessible.

The 2016 Sydney Rides Business Challenge results show with adequate infrastructure, and just a bit of encouragement, bike riding is an accepted and increasingly popular way to move around our city.

I want to congratulate those who took part in the Challenge and I look forward to seeing more city workers, residents and visitors on their bikes.



## RECOMMENDATION

It is resolved that Council note the success of the 2016 Sydney Rides Business Challenge.

COUNCILLOR CLOVER MOORE

Lord Mayor

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

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

Carried unanimously.

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

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

**ITEM 5     MATTERS FOR TABLING**

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

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

Carried unanimously.

**ITEM 6 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 4 APRIL 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 Vithoukas.

At the commencement of business at 2.00pm those present were -

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

Councillor Doutney arrived at the meeting of the Corporate, Finance, Properties and Tenders Committee at 2.01pm prior to discussion on Item 6.1.

Councillor Vithoukas left the meeting of the Corporate, Finance, Properties and Tenders Committee at 2.07pm prior to discussion on Item 6.8 and returned at 2.08pm at the conclusion of discussion on that item. Councillor Vithoukas was not present at, or in sight of, the meeting of the Corporate, Finance, Properties and Tenders Committee during discussion or voting on Item 6.8.

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 2.12pm.

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 4 April 2016 be received, and the recommendations set out below for Items 6.2 to 6.7 inclusive, 6.9 and 6.10 be adopted, with Item 6.1 being noted, and Item 6.8 being dealt with as shown immediately following that item.

Carried unanimously.

**ITEM 6.1**

**DISCLOSURES OF INTEREST**

Councillor Angela Vithoukas disclosed a less than significant, non-pecuniary interest in Item 6.8 on the agenda, as she has a business on George Street. Councillor Vithoukas stated that she would not be present for discussion or voting on Item 6.8.

No other Councillors disclosed any pecuniary or non-pecuniary interests 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 31 MARCH 2016 (S106935)**

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

Carried unanimously.

**ITEM 6.3**

**SYDNEY NEW YEAR'S EVE 2016 - 2020 MEMORANDUM OF UNDERSTANDING AND AGENCY AGREEMENTS (S122489)**

It is resolved that authority be delegated to the Chief Executive Officer to negotiate and enter into a Memorandum of Understanding with the New South Wales State Government, and Agency Agreements with relevant State agencies, for a further five year period with regard to the facilitation and support of 2016 – 2020 Sydney New Year's Eve.

Carried unanimously.

**ITEM 6.4**

**TENDER – GEDDES AVENUE, PAUL STREET AND BOTANY ROAD INFRASTRUCTURE (S105612)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'C' for the Geddes Avenue, Paul Street and Botany Road Infrastructure 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 6.5**

**TENDER - SYDNEY CHRISTMAS 2016 – SUPPLY AND INSTALLATION OF CHRISTMAS TREES AND DECORATIONS (S126946.007)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for supply and installation of Christmas trees and decorations for Christmas 2016; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

**ITEM 6.6**

**TENDER - SYDNEY CHRISTMAS 2016 – PITT STREET MALL ACTIVATION (S126946.008)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the Pitt Street Mall Activation for Christmas 2016; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

**ITEM 6.7**

**TENDER - SYDNEY CHRISTMAS 2016 – SUPPLY AND INSTALLATION OF CHRISTMAS PROJECTIONS, LIGHT INSTALLATIONS AND/OR DIGITAL, LIGHT AND/OR AUDIO SCULPTURES (S126946.009)**

It is resolved that:

- (A) Council reject tenders received for projections, light installations and/or digital, light and/or audio sculptures for Christmas 2016 for the reasons set out in the subject report;
- (B) Council enter into negotiations with suitable companies for the supply and installation of projections, light installations and/or digital, light and/or audio sculptures for Christmas 2016;
- (C) authority be delegated to the Chief Executive Officer to enter into a contract subject to the conclusion of negotiations with suitable companies for the supply and installation of projections, light installations and/or digital, light and/or audio sculptures for Christmas 2016; and
- (D) a report be provided to Councillors via the CEO Update immediately following the signing of the contract relating to the tender.

Carried unanimously.

**ITEM 6.8**

**TENDER – POP UP FURNITURE IN GEORGE STREET DURING THE CBD AND SOUTH EAST LIGHT RAIL CONSTRUCTION (S125091.005)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'B' to manage 'light touch place making' during the CBD and South East Light Rail construction, initially proposed for two locations on George Street, with the potential to expand the program over 2016-2017 as more locations are identified; and

- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

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

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

Carried unanimously.

## **ITEM 6.9**

### **TENDER - LIBRARY TECHNOLOGY - RFID SOLUTION (S123384)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' to supply, install, integrate with existing systems, commission and provide ongoing support and maintenance of Radio Frequency Identification (RFID) equipment and services in 11 City of Sydney libraries for a period of three years; 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**

### **EXEMPTION FROM TENDER - PROVISION OF CITYSWITCH CRM SERVICES (S084792)**

It is resolved that:

- (A) Council approve an exemption to tender in accordance with section 55(3)(i) of the Local Government Act 1993 noting that, because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders to supply CRM hosting to the CitySwitch program;
- (B) Council note the reasons why a satisfactory result would not be achieved by inviting tenders are:
  - (i) going to tender would not deliver a competitive process due to the significant set-up costs (which may involve a re-development of the service) that would be incurred by an alternative supplier in order to provide effective ongoing support and maintenance services;
  - (ii) the proposed deliverables can be provided by a supplier already engaged on the specific project which will provide demonstrated value for money through existing knowledge and experience;

- (C) Council enter into a contract with the contractor noted in confidential Attachment A to the subject report for the continued hosting and support of the CitySwitch CRM platform for a maximum three year term (two year plus an option for a further one year); and
- (D) authority be delegated to the Chief Executive Officer to negotiate and approve the terms of the contract of the services agreement with the contractor noted in confidential Attachment A, provided that the contract is consistent with this resolution.

Carried unanimously.



**ITEM 7 REPORT OF THE ENVIRONMENT COMMITTEE - 4 APRIL 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 2.13pm those present were -

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

The meeting of the Environment Committee concluded at 2.44pm.

Report of the Committee

Moved by Councillor Doutney, seconded by Councillor Vithoukias -

That the report of the Environment Committee of its meeting of 4 April 2016 be received, with Item 7.1 being noted, and Item 7.2 being dealt with as shown immediately following that item.

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****OUTDOOR FITNESS TRAINING VOLUNTARY CODE OF CONDUCT – ADOPTION (S051483)**

It is resolved that:

- (A) Council adopt the Outdoor Fitness Training Voluntary Code of Conduct, as amended and shown at Attachment A to the subject report;
- (B) authority be delegated to the Chief Executive Officer (CEO) to incorporate additional minor amendments to the Code as follows:

- (i) to the effect that training providers are encouraged to use protective matting in parks and open spaces for the placement of hand-held weights and other heavy training equipment; and
  - (ii) for the purpose of clarifying rotunda and shelter usage for fitness training activities; and
- (C) a copy of the Code amended by the CEO under delegation be provided to Councillors.

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

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

It is resolved that Council adopt the Outdoor Fitness Training Voluntary Code of Conduct (as amended) and shown at Attachment A to the memo dated 7 April 2016 from the Acting Director City Operations, and circulated prior to the meeting of Council.

The motion was carried on the following show of hands -

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

Noes (1) Councillor Forster.

Motion carried.

### **Speakers**

Mr Daniel Fergusson Hill and Mr Robbie Hardy addressed the meeting of the Environment Committee on Item 7.2.

**ITEM 8 REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 4 APRIL 2016**

PRESENT

The Lord Mayor Councillor Clover Moore  
(Chair)

Councillor Jenny Green  
(Deputy Chair)

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

At the commencement of business at 2.45pm those present were -

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

The meeting of the Cultural and Community Committee concluded at 3.20pm.

Report of the Committee

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

That the report of the Cultural and Community Committee of its meeting of 4 April 2016 be received, with Item 8.1 being noted, and Item 8.2 being dealt with as shown immediately following that item.

Carried.

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

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

The Committee recommended the following:

**ITEM 8.2****ALCOHOL FREE ZONES AND ALCOHOL PROHIBITED AREAS CONSULTATION 2016 (X003177.005)**

The Cultural and Community Committee decided that consideration of this matter be deferred to the meeting of Council on 11 April 2016.

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

It is resolved that Council:

- (A) approve the following alcohol free zones for establishment 24 hours a day, seven days per week until 22 March 2020:

**Sydney City Police Local Area Command**

1. Albion Place
2. Angel Place
3. Argyle Street from George Street to Cumberland Street
4. Ash Street
5. Bathurst Street from Kent Street to Castlereagh Street
6. Campbell Street from George Street to Pitt Street
7. Carrington Street from Wynyard Street to Margaret Street
8. Castlereagh Street from Goulburn Street to Liverpool Street
9. Central Street from George Street to Pitt Street
10. Clarence Street from Market Street to Margaret Street
11. College Street from St James Road to Liverpool Street
12. Cumberland Street
13. Cunningham Street
14. Cuthbert Street
15. Darling Drive from Union Street to the Western Distributor
16. Day Street from Liverpool Street to Druitt Street
17. De Mestre Place
18. Dixon Street from Goulburn Street to Factory Street
19. Eager Street
20. Eddy Avenue from Pitt Street to Elizabeth Street
21. Edward Street from Bunn Street to Pirrama Road
22. Elizabeth Street from St James Road to Liverpool Street
23. Erskine Street from Sussex Street to York Street
24. Essex Street from George Street to Gloucester Street

25. George Street from Campbell Street to Atherden Street
26. Goulburn Street from Sussex Street to Castlereagh Street
27. Harrington Street from Essex Street to Cumberland Street
28. Harris Street from John Street to Miller Street
29. Hunter Street from George Street to Pitt Street
30. Kendall Lane
31. Kent Street from Liverpool Street to Cross City Tunnel
32. Kent Street from Market Street to Margaret Street
33. King Street from Sussex Street to George Street
34. Little Hunter Street
35. Liverpool Street from Douglass Street to Wentworth Avenue
36. Mill Lane
37. Murray Street from Pirrama Road to Union Street
38. Park Street from George Street to William Street
39. Paternoster Row from Union Street to Pymont Bridge Road
40. Pirrama Road from Harris Street to Murray Street
41. Pitt Street from Hunter Street to Lee Street (including Pitt Street Mall)
42. Point Street
43. Pymont Street from Point Street to Bunn Street
44. Richard Johnson Square
45. Shelley Street
46. Slip Street
47. St James Road from St Marys Road to Elizabeth Street
48. Sussex Street from Hay Street to Hickson Road
49. Union Square/Union Street from Harris Street to Murray Street
50. Wilmot Street from George Street to Pitt Street
51. Wynyard Lane
52. Wynyard Street

**Kings Cross Police Local Area Command**

53. All streets and laneways bounded by and including Cathedral Street, Forbes Street, Palmer Street and William Street, including Bourke Street, Burrahpore Lane, Corfu Street, Cross Lane, Egan Place, St Kilda Lane, Talbot Place and William Lane
54. Amos Lane
55. Barncleuth Lane from Roslyn Street to Barncleuth Square
56. Barncleuth Square
57. Barnett Lane
58. Baroda Lane
59. Baroda Street
60. Bayswater Road from Darlinghurst Road to Kings Cross Road
61. Berwick Lane
62. Best Street (Private)
63. Birtley Place
64. Bland Street
65. Boomerang Place
66. Bourke Street from Oxford Street to Cowper Wharf Road
67. Bradley Lane
68. Brougham Lane from Victoria Street to McElhone Street
69. Brougham Street from William Street to Cowper Wharf Road
70. Broughton Street
71. Burnell Place
72. Burton Street from Oxford Street to Barcom Avenue
73. Busby Lane
74. Butlers Stairs
75. Caldwell Street
76. Cathedral Street from Riley Street to Dowling Street
77. Challis Avenue
78. Chapel Street

79. Charles Street (Private)
80. Charlotte Lane
81. Clapton Place
82. Clarksons Mill Way from Darley Street to Darlinghurst Road
83. Craigend Street from Barcom Avenue to Darlinghurst Road
84. Crick Avenue
85. Crown Lane
86. Crown Street from Oxford Street to Sir John Young Crescent
87. Darley Place
88. Darley Street
89. Darlinghurst Road from Oxford Street to Ward Avenue (includes road closure adjacent to Fitzroy Gardens)
90. Dowling Street from William Street to Cowper Wharf Road
91. Earl Place from Earl Street to Springfield Avenue
92. Earl Street from Victoria Street to Orwell Street
93. Elizabeth Bay Road from Darlinghurst Road to Holdsworth Avenue
94. Farrell Avenue
95. Faucett Lane
96. Foley Street from Bourke Street to Burton Street
97. Forbes Street from Oxford Street to Cowper Wharf Road (includes street closure between Cathedral Street and Cowper Wharf Road)
98. Francis Lane from College Street to Riley Street
99. Francis Street from Riley Street to College Street
100. Goderich Lane from Pennys Lane to Ward Avenue
101. Greenknowe Avenue from Macleay Street to Elizabeth Bay Road
102. Griffiths Street
103. Hardie Street
104. Hargrave Lane
105. Hargrave Street

106. Harnett Street
107. Hayden Lane
108. Hayden Place
109. Hourigan Lane
110. Hughes Lane from Orwell Street to Hughes Street
111. Hughes Place cul-de-sac
112. Hughes Street from Victoria Street to Macleay Street
113. Judge Lane
114. Judge Place
115. Judge Street (Private)
116. Junction Street
117. Kellett Place cul-de-sac
118. Kellett Street from Bayswater Road to Ward Avenue
119. Kellett Way from Kellett Street to Roslyn Street
120. Kells Lane
121. Kennedy Street
122. Kings Cross Road from Victoria Street to Bayswater Road
123. Kings Lane from Riley Street to Thomson Street
124. Kirketon Road
125. Langley Street
126. Little Burton Street
127. Liverpool Lane
128. Liverpool Street from College Street to Victoria Street
129. Llankelly Place from Darlinghurst Road to Orwell Street
130. Macleay Street from Darlinghurst Road to Wylde Street
131. Manning Street
132. Mansion Lane cul-de-sac
133. McCarthy Place



134. McElhone Street from Pring Street to Cowper Wharf Road
135. McElhone Street from William Street to Sydney Place
136. Mont Clair Lane
137. Nesbitt Street
138. Nicholson Street from Dowling Street to Palmer Street
139. Nimrod Street
140. Norman Street from Yurong Street to Riley Street
141. O'Briens Lane
142. Orwell Lane from Orwell Street to Hughes Street
143. Orwell Street from Macleay Street to Victoria Street
144. Palmer Lane
145. Palmer Street from Oxford Street to Sir John Young Crescent
146. Pennys Lane from Kings Cross Road to Bayswater Road
147. Plunkett Street
148. Premier Lane
149. Printers Lane
150. Riley Street from Sir John Young Crescent to Cleveland Street
151. Robinson Street
152. Rockwall Crescent
153. Rockwall Lane
154. Rockwall Place
155. Rosebank Street
156. Rosella Lane
157. Roslyn Lane
158. Roslyn Street from Darlinghurst Road to Kings Cross Road
159. Rowena Place
160. Royston Street
161. Seale Lane

162. Seale Street
163. Sherbrooke Street
164. Shorter Lane
165. Sir John Young Crescent from Riley Street to Cowper Wharf Road
166. Springfield Avenue from Darlinghurst Road (Springfield Plaza) to Springfield Mall
167. Springfield Mall including Springfield Lane from Lankelly Place to Earl Street
168. St Peters Lane
169. St Peters Street
170. Stanley Lane
171. Stanley Street from Yurong Street to Bourke Street
172. Stephen Street (Private)
173. Stream Street
174. Surrey Lane
175. Surrey Street
176. Suttor Street
177. Sydney Place bounded by Stephen Street, McElhone Street and the Hills Stairs
178. Tewkesbury Avenue
179. Thomson Lane
180. Thomson Street
181. Turner Lane
182. Tusculum Lane
183. Tusculum Street
184. Victoria Street from Oxford Street to MacDonald Lane
185. Ward Avenue from Kings Cross Road to Greenknowe Avenue
186. Whites Lane
187. William Street from Yurong Street to Darlinghurst Road
188. Wilson Street

- 189. Wisdom Lane
- 190. Woods Lane
- 191. Yurong Lane from Crown Street to Yurong Street
- 192. Yurong Street from Norman Street to William Street

**Newtown Police Local Area Command**

- 193. Bucknell Street from King Street to Wilson Street
- 194. Campbell Street from O'Connell Street to Elizabeth Street
- 195. King Street from Church Street to Missenden Road
- 196. Longdown Street
- 197. Missenden Road from King Street to Carillon Avenue
- 198. Newman Street from King Street to Thomas Street
- 199. Railway Lane from Thomas Street to Angel Street
- 200. Stephen Street
- 201. Thomas Street
- 202. Victoria Street from Hordern Street to O'Connell Street
- 203. Wilson Lane

**Redfern Police Local Area Command**

- 204. Balfour Street from Cleveland Street to Meagher Street
- 205. Bartley Street from Abercrombie Street to Balfour Street
- 206. Botany Road from Boundary Street to Raglan Street
- 207. Cains Place
- 208. Caroline Street from Abercrombie Street to Eveleigh Street
- 209. Chalmers Street between Phillip Street and Cleveland Street
- 210. Cope Street from McEvoy Street to Redfern Street
- 211. Elizabeth Street from Redfern Street to McEvoy Street
- 212. Eveleigh Street from Lawson Street to Cleveland Street
- 213. George Street from Redfern Street to McEvoy Street
- 214. James Street from Young Street to Marriott Street

- 215. Lawson Square
- 216. Lawson Street from Gibbons Street to Abercrombie Street
- 217. Lenton Parade
- 218. Louis Street
- 219. Phillip Street from Cope Street to Walker Street
- 220. Pitt Street from Phillip Street to Kellick Street
- 221. Raglan Street from Botany Road to Elizabeth Street
- 222. Redfern Street from Gibbons Street to Walker Street
- 223. Regent Street from Redfern Street to Boundary Street
- 224. Vine Street from Eveleigh Street to Abercrombie Street
- 225. Walker Street from Wellington Street to Phillip Street
- 226. Wellington Street from Morehead Street to Botany Road

**Leichhardt Police Local Area Command**

- 227. Glebe Point Road from Parramatta Road to Federal Road
- 228. Pyrmont Bridge Road from Lyons Road to Layton Street

**Surry Hills Police Local Area Command**

- 229. Albion Street from Elizabeth Street to Flinders Street
- 230. Alexander Street from Riley Street to Arthur Street
- 231. Arnold Place from Riley Street to Crown Street
- 232. Blackburn Street from Elizabeth Street to Foster Street
- 233. Bourke Street from Oxford Street to Foveaux Street
- 234. Brisbane Street from Oxford Street to Commonwealth Street
- 235. Campbell Street from Mary Street to Bourke Street
- 236. Chalmers Street from Elizabeth Street to Cleveland Street
- 237. Chisholm Street from Taylor Street to Hannam Street
- 238. Collins Lane from Collins Street to Rainford Street
- 239. Collins Street from Riley Street to Alexander Street
- 240. Commonwealth Street

241. Crawford Place
  242. Crown Street from Cleveland Street to Oxford Street
  243. Elizabeth Street from St James Road to Cleveland Street
  244. Fitzroy Street from Foveaux Street to Anzac Parade
  245. Flinders Street from Albion Street to Oxford Street, including Taylor Square
  246. Foster Lane
  247. Foster Street from Hunt Street to Elizabeth Street
  248. Goulburn Lane
  249. Goulburn Street from Brisbane Street to Crown Street
  250. Hands Lane from Reservoir Street to Foster Street
  251. Hunt Street from Campbell Street to Wentworth Street
  252. Little Albion Street
  253. Little Riley Street from Ann Street to Campbell Street
  254. Mary Street from Foveaux Street to Campbell Street
  255. Nickson Street from Cleveland Street to Devonshire Street
  256. Oxford Street from Greens Road to Whitlam Square
  257. Pelican Street from Oxford Street to Goulburn Street
  258. Poplar Street from Brisbane Street to Pelican Street
  259. Providence Place
  260. Taylor Street from Flinders Street to South Dowling Street
  261. Waine Street from Pelican Street to Riley Street
- (B) approve the following alcohol prohibited areas for establishment 24 hours a day, seven days per week until 22 March 2020:

**Sydney City Police Local Area Command**

1. St James Tunnel
2. Clyne Reserve
3. Regimental Square

**Kings Cross Police Local Area Command**

4. Albert Sloss Reserve

5. Barcom Avenue Park
6. Beare Park Playground
7. Rosebank Park
8. Rushcutters Bay Park
9. Tom Uren Square
10. Waratah Street Reserve
11. Woolloomooloo Playground (Sydney Place)

**Newtown Police Local Area Command**

12. Goddard Playground, 39-43 O'Connell Street, Camperdown
13. Pinkstone Playground, 26 Septimus Street, Erskineville
14. Rochford Street Playground, Rochford Street, Erskineville
15. Victoria Park Playground, City Road, Sydney

**Redfern Police Local Area Command**

16. Bakery Reserve
17. Chippendale Green
18. Crete Reserve
19. McKell Playground
20. (NSW Land and Housing Corporation) in the publicly accessible areas bound by the following alcohol free zones:
  - Walker Street
  - Cooper Street
  - Young Street
  - Phillip Street, Redfern
21. (NSW Land and Housing Corporation) in the publicly accessible areas bound by the following alcohol free zones:
  - Wellington Street
  - George Street
  - McEvoy Street
  - Elizabeth Street, Waterloo

22. (NSW Land and Housing Corporation) Waterloo Green defined as the publicly accessible areas bound by the following alcohol free zones:

Phillip Street

Cope Street

Wellington Street

Pitt Street, Waterloo

23. Redfern Park

**Leichhardt Police Local Area Command**

24. Federal Park Playground, Chapman Road, Annandale
25. Jubilee Park, Eglinton Road, Glebe
26. Wentworth Park, Wattle Street & Wentworth Park Road, Ultimo
27. Wood Street Playground, Wood Street, Forest Lodge
28. Blackwattle Bay Playground, Wood Street, Forest Lodge

**Surry Hills Police Local Area Command**

29. Eddie Ward Park
30. Edgely Reserve, Nickson Street, Surry Hills
31. Harmony Park
32. Prince Alfred Park, corner Cleveland and Chalmers Street
33. Reservoir Street Reserve, 108 Reservoir Street, Surry Hills

- (C) approve the following temporary alcohol free zones for establishment the day of and the morning after the Sydney Gay and Lesbian Mardi Gras from 2017 to 2020:

1. Flinders Street between Albion Street and Moore Park Road
2. South Dowling Street between Fitzroy Street and Oxford Street
3. Sturt Street including adjacent unnamed lane.

- (D) approve the following temporary alcohol prohibited area for New Year's Eve 2016 to 2020 from 31 December to 2 January inclusive:

1. Beare Park, Elizabeth Bay

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

That the motion be amended by the addition of clause (E) as follows:

- (E) reinstate the 48 Alcohol Free Zones and 14 Alcohol Prohibited Areas based on recommendations by all Police Commanders from the relevant Local Area Commands as listed in Attachment D to the report to the Cultural and Community Committee on 4 April 2016.

The amendment was lost on the following show of hands –

Ayes (2) Councillors Forster and Green.

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

Amendment lost.

The motion was carried on the following show of hands –

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

Noes (2) Councillors Forster and Green.

Motion carried.

### **Speakers**

Superintendent Michael Fitzgerald addressed the meeting of the Cultural and Community Committee on Item 8.2.



**ITEM 9 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 5  
APRIL 2016****PRESENT**

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 4.02pm those present were:

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

Councillor Scott, having conveyed her apologies for her anticipated late arrival at the meeting, arrived at the meeting of the Planning and Development Committee at 4.04pm, during discussion on Item 9.2.

**Adjournment**

At 4.42pm, it was moved by Councillor Mant, seconded by Councillor Kok -

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

Carried.

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

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

Councillor Mandla returned to the meeting of the Planning and Development Committee at 5.02pm, during discussion on Item 9.5.

**Sub-Committees**

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

The Transport, Heritage and Planning Sub-Committee, with Councillor Mant as Deputy Chair, commenced at 4.03pm.

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

The Development Assessment Sub-Committee, with Councillor Mant as Deputy Chair, commenced at 5.09pm.

## **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 Item 9.7 be brought forward and dealt with before Item 9.6.

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 5.42pm.

### **ITEM 9.1**

#### **DISCLOSURES OF INTEREST**

##### **(a) Section 451 of the Local Government Act 1993**

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

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

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

#### Report of the Transport, Heritage and Planning Sub-Committee

Moved by Councillor Mant, seconded by Councillor Green -

That the report of the Transport, Heritage and Planning Sub-Committee of its meeting of 5 April 2016 be received, with Item 9.1 being noted, the recommendations set out below for Items 9.3 and 9.4 being adopted, and Item 9.2 being dealt with as shown immediately following that item.

Carried unanimously.

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

### **ITEM 9.2**

#### **BARANGAROO UPDATE (S084857)**

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

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

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

Carried.

**ITEM 9.3****GREEN SQUARE UPDATE (S100167)**

It is resolved that Council note:

- (A) completion of 104 affordable housing units in the Green Square Town Centre, bringing the total number of affordable housing units in the wider Green Square area to 206;
- (B) that the City's Green Square projects, including the Library and Plaza, Gunyama Park Aquatic Recreation Centre, other community facilities, parks and streetscapes are progressing;
- (C) the progress of private development across the Green Square Renewal Area; and
- (D) the progress of community development and place making activities for Green Square.

Carried unanimously.

**ITEM 9.4****FIRE SAFETY REPORTS (S105001)**

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to E to the subject report;
- (C) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 361 and 363 Sussex Street, Sydney, as detailed in Attachment B;
- (D) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 35-39 Ultimo Road, Haymarket, as detailed in Attachment C;
- (E) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 40-50 Belvoir Street, Surry Hills, as detailed in Attachment D; and
- (F) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 173-179 Pitt Street, Sydney, as detailed in Attachment E.

Carried unanimously.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kok, seconded by Councillor Mant -

That the report of the Major Development Assessment Sub-Committee of its meeting of 5 April 2016 be received, with the recommendation set out below for Item 9.5 being adopted.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

**ITEM 9.5**

**DEVELOPMENT APPLICATION: 895-901 BOURKE STREET WATERLOO (D/2015/941)**

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 Building Height in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012 (Sydney LEP 2012);
- (B) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2015/941, subject to the public exhibition of a Voluntary Planning Agreement prepared in accordance with Clause 6.14 of the Sydney LEP 2012 and with any submissions considered; and
- (C) if the CEO determines to approve Development Application No. D/2015/941, then consideration be given to granting a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the draft conditions set out in Part A below and Part B – Conditions of Consent (Once the Consent is in Operation) of the subject report;

**PART A – DEFERRED COMMENCEMENT CONDITIONS**

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

**(1) VOLUNTARY PLANNING AGREEMENT**

- (a) That a Voluntary Planning Agreement in accordance with an appropriate Public Benefit Offer submitted by City West Housing Pty Ltd dated 12 January 2016 be executed and submitted to Council.
- (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement.
- (c) The Voluntary Planning Agreement, as executed, must be registered on the title of land in accordance with the Voluntary Planning Agreement.
- (d) The payment of the monetary contribution must be provided to Council 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 within 24 months of the date of this deferred commencement consent, failing which this deferred commencement will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979.
- 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 and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

Carried unanimously.

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

Moved by Councillor Mant, seconded by Councillor Kok -

That the report of the Development Assessment Sub-Committee of its meeting of 5 April 2016 be received, with the recommendations set out below for Items 9.7 to 9.9 inclusive being adopted, and Item 9.6 being dealt with as shown immediately following that item.

Carried unanimously.

The Development Assessment Sub-Committee recommended the following:

#### **ITEM 9.6**

#### **DEVELOPMENT APPLICATION: 1 SEYMOUR PLACE PADDINGTON (D/2015/1616)**

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 “Height of Buildings” in accordance with Clause 4.6 “Exceptions to development standards” in Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/1616, subject to the conditions as detailed in the subject report, subject to the amendment of Condition (2) such that it read as follows:

#### **(2) DESIGN MODIFICATIONS**

- (a) The eastern boundary wall adjacent to the two (2) trees within the neighbour’s property must be retained *in situ* in order to properly protect the two trees.
- (b) The space between the glass balustrade and the existing parapet is to be built as a continuous planter for improved privacy.

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.

Carried unanimously.

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" in Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/1616, 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/2015/1616 dated 9 November 2015 and Drawing DA.01 A, dated 28 October 2015; 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**

- (a) The eastern boundary wall adjacent to the two (2) trees within the neighbour's property must be retained in situ in order to properly protect the two trees.
- (b) The space between the glass balustrade and the existing parapet is to be built as a continuous planter for improved privacy.

#### **(3) RELOCATION ASSISTANCE**

- (a) The existing residents are to be provided a termination notice with a minimum period of 60 days. A copy of the termination notice is to be provided to the Council prior to the issue of a Construction Certificate.

- (b) The owner is to liaise between community housing providers and existing tenants to assist in relocation. The owner is to provide evidence to the Council prior to the issue of a Construction Certificate including letters, emails and a list of accommodation alternatives through liaising with existing tenants and community housing providers demonstrating a commitment to assisting in the relocation of tenants.

**(4) MATERIALS AND SAMPLES BOARD**

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

**(5) AFFORDABLE HOUSING CONTRIBUTION – PAYMENT OF CONTRIBUTION**

Pursuant to Section 94F of the Environmental Planning and Assessment Act 1979, the person having the benefit of this consent shall pay to Council prior to issue of a Construction Certificate the sum of \$ 28,350 being a contribution for the purpose of mitigating the loss of affordable housing as a result of the approved development.

Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney (direct deposit, personal or company cheques will not be accepted).

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

The contribution for land will be adjusted in accordance with the latest annual valuations.

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

where:

C is the original contribution amount as shown above;

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

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

**SCHEDULE 1B**

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

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

**(6) TREE PRUNING (PRIVATE PROPERTY)**

Separate consent from Council must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 40mm in diameter.

**(7) 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.

**(8) 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.

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

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

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

**(10) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)**

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

**(11) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS**

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



**(12) 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).

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

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (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.

**(16) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(17) 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.

**(18) 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.

**(19) 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.

**(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) 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.

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

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

**SCHEDULE 2**

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

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

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

**Speakers**

Mr Michael Baker addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.6.

**ITEM 9.7****DEVELOPMENT APPLICATION: 20 LYNDHURST STREET GLEBE (D/2015/1104)**

It is resolved that:

- (A) the variation sought under Clause 4.6 (Exceptions to Development Standards) to Clause 4.4 (Floor Space Ratio) of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No. D/2015/1104, 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/2015/1104 dated 7 August 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA01	Welsh + Major	6 August 2015
DA02 Issue A	Welsh + Major	24 February 2016
DA03 Issue A	Welsh + Major	24 February 2016
DA04 Issue B	Welsh + Major	24 February 2016
DA05 Issue A	Welsh + Major	24 February 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) TRANSLUCENT GLAZING TO BATHROOM**

Translucent glazing shall be used on window W04 (Second Floor Bathroom), with the glazing fixed in a close position up to a height of 1.5m above the finished floor level.

**(3) 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.

**(4) 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.

**(5) 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.

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

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

**(7) FLASHINGS TO BOUNDARY WALLS**

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties.

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

**(8) 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).

**(9) 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.

**(10) EXTERNAL COLOUR SCHEME (OTHER BUILDINGS)**

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

**(11) GENERAL HERITAGE**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (d) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (e) The face brickwork must not be rendered, painted or coated.

**(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) 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).

#### **(14) BARRICADE PERMIT**

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

#### **(15) INSTALLATION OF DUAL-FLUSH TOILETS**

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



**(16) INSTALLATION OF WATER EFFICIENT TAPS**

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

**SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(17) BASIX**

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

**(18) 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.

**(19) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(20) 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.

**(21) 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.

**(22) 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.

**(23) 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.

**(24) 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.

**(25) 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.

**(26) USE OF MOBILE CRANES**

The following requirements apply:

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

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

## **SCHEDULE 2**

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

Carried unanimously.

### **Speakers**

Mr Simon Mullumby and Mr Derek Allan addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.7.

## **ITEM 9.8**

### **DEVELOPMENT APPLICATION: 68-72 WENTWORTH AVENUE SURRY HILLS - BALLARAT HOUSE (D/2015/1896)**

It is resolved that:

- (A) Council support the variations sought to Clause 4.3 'Height of buildings' and Clause 4.4 'Floor space ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012;
- (B) Council waive the requirement for the preparation of a development control plan under Clause 7.20(2) in accordance with Clause 7.20(3) of the Sydney Local Environmental Plan 2012;
- (C) Council waive the requirement for a competitive design process under Clause 6.21(5) in accordance with Clause 6.21(6) of the Sydney Local Environmental Plan 2012; and
- (D) pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979, consent be granted to Development Application No. D/2015/1896, 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/2015/1896 dated 22 December 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA1.00	Hill Thalys	30 November 2015
DA2.10	Hill Thalys	30 November 2015
DA2.11	Hill Thalys	30 November 2015
DA2.20	Hill Thalys	30 November 2015
DA2.31	Hill Thalys	30 November 2015
DA4.10	Hill Thalys	30 November 2015

and as amended by the conditions of this consent.

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

**(2) SECTION 61 CONTRIBUTIONS PAYABLE - COST SUMMARY REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act 1988 and the Central Sydney Contribution (Amendment) Plan 2002/ Central Sydney Development Contributions Plan 2013 in accordance with the following:

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.

- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney - Cost Summary Report" indicating the itemised cost of the development must be completed and submitted to Council by the Certifying Authority (CA) together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney - Cost Summary Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website ([www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

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

### **(3) BUILDING HEIGHT**

- (a) The height of the roof ridge to the building must not exceed RL 46.67 (AHD) to the top of the building and RL 47.62 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

### **(4) FLOOR SPACE RATIO**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 5.3:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 3904 square metres.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

**(5) HOURS OF OPERATION – EXTERNAL ROOF TERRACE**

The hours of operation of the external roof terrace are restricted to between 7.00am and 6.00pm, Monday to Sunday.

**(6) MATERIALS AND SAMPLES BOARD**

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

**(7) 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.

#### **(8) 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.

#### **(9) 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.

**(10) 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.

**(11) VEHICLE FOOTWAY CROSSING**

A separate application is to be made to, and approved by, Council for the removal of the existing vehicle crossing to Foster Street and replacement of the footpath formation as the crossing is redundant.

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 prior to the issue of an Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement.

**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.

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

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

If compliance with the deemed-to-satisfy provisions of the BCA cannot be achieved, an alternative solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied.

Note: Attention is drawn to the BCA compliance issues identified in the assessment letter by BCA Logic dated 9 December 2015 submitted in support of the development application.



**(13) VERIFICATION OF SUPPORT FOR NEW LOADS**

For alterations and additions to an existing building, a certificate from a qualified practicing structural engineer (National Engineering Register) must be submitted to the Certifying Authority prior to a Construction Certificate being issued. The certificate must verify that the existing structure is adequate to support the new loads, subject to strengthening works as necessary and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia.

**(14) 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).

#### **(15) BARRICADE PERMIT**

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

#### **(16) GENERAL HERITAGE**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999.
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The face brickwork/stone/tiles must not be rendered, painted or coated.

#### **(17) MATERIALS FOR MAKING GOOD**

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

#### **(18) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.

- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate.
- (d) If the discovery is on Council's land, Council must be informed.

**(19) BUILDING WORKS TO COMPLY WITH BCA – HERITAGE BUILDINGS**

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

**(20) SITES IN THE VICINITY OF A HERITAGE ITEM**

The proposed works are to ensure that the building known as "Gordon House" at 19 Foster Street, Surry Hills (aka 74-78 Wentworth Avenue, Surry Hills), is to be suitably protected during the construction process. The contractor or developer must conduct consultations with the stockholders of the neighbouring heritage site, record and monitor the conditions of the heritage building and take suitable measures to control and minimize any risks to the heritage fabric during construction. The protection measures should be incorporated into the construction management plan. Details of the protection plan must be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of the Construction Certificate.

**(21) STORMWATER AND DRAINAGE**

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.

**(22) 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.

**(23) ACCESS FOR PERSONS WITH DISABILITIES - OFFICE FITOUTS**

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

**(24) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover) and the City of Sydney Managing Asbestos Policy.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).

- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

## **(25) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

## **(26) 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.

**(27) DILAPIDATION REPORT**

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.

**(28) 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.

**(29) 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).

**(30) 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.

**(31) INSTALLATION OF DUAL-FLUSH TOILETS**

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

**(32) INSTALLATION OF WATER EFFICIENT TAPS**

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

**(33) INSTALLATION OF WATER EFFICIENT URINALS**

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

**(34) INTERNAL LIGHTING SYSTEM**

All new internal lighting systems for the commercial office spaces must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

**(35) STREET TREE PROTECTION**

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

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

### **(36) 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.

### **(37) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) A Waste Management Plan is to be approved by the Certifying Authority prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

#### **UPON COMPLETION OF THE DEVELOPMENT**

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

### **(38) 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.

## **SCHEDULE 1C**

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

#### **(39) 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.

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

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

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

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

#### **(41) 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.

**(42) 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.

**(43) 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.

**(44) EROSION AND SEDIMENT CONTROL**

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.

**(45) 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.

**(46) 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) 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.

**(47) 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.

**(48) USE OF MOBILE CRANES**

The following requirements apply:

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

**SCHEDULE 2****PRESCRIBED CONDITIONS**

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

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

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

Carried unanimously.

**ITEM 9.9****DEVELOPMENT APPLICATION: 69-75 KING STREET SYDNEY - REID HOUSE (D/2015/1588)**

It is resolved that consent be granted to Development Application No. D/2015/1588, 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/2015/1588 dated 3 November 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
RHF/82/-	Hector Abrahams Architects	undated

and as amended by the conditions of this consent.

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

## **(2) DESIGN MODIFICATIONS**

The design of the proposal must be modified as follows:

- (a) Stage 2 works under the Conservation Management Plan must be modified to include the following:
  - (i) The removal of all signage and any illuminated signage on the building's exterior fabric relating to the ground floor retail tenancies, including awning signage.
  - (ii) Removal of all unauthorised signage located on the building.
  - (iii) Conservation of all terrazzo flooring and wall finishes and floor finishes to the 1930s configuration, and the exposure of the original pressed metal ceilings and reinstatement of ceiling components where these are missing so as to complete the ceiling system.
  - (iv) The removal of all polished granite cladding to the ground floor, and the reinstatement of early fabric beneath where these are able to be conserved. Where these are not retrievable, provide rockface sandstone indents to the three main piers and finishes to the secondary piers between the shopfront based on evidence found beneath.
  - (v) The removal of the polished granite cladding on the eastern elevation return. The side elevation brickwork and stone quoins are to be reinstated as the exposed finish. Where this is not feasible, an alternate finish may be submitted for approval as part of the submission in response to this consent condition.
- (b) The Stage 3 works under the Conservation Management Plan must be modified to include the following:
  - (i) The mullions of the third floor windows in the three most eastern bays are to be reconstructed in their original locations as determined by the transoms above. The window sashes are to be reconstructed and installed within these new subdivisions. All components are to exactly match the cross sectional size and profiles of the original components remaining.
  - (ii) The painting of the external double door assembly above the awning (in the most western bay).
  - (iii) The relocation of the fire alarm above the awning and conduit to a less intrusive location.
  - (iv) Repair and complete the steel frame window assemblies alongside the rear stair at levels 1 and 2, by removing the later timber doors, framing and infills and installing either steel framed doors or pivoted sash windows. Provide details.

- (v) Minor repairs to the tiling of the rear lightwell including replacement of missing sill tile at Level 4, replacement of tile damaged by the fixing of conduit at Level 1, and replacement of missing tiles above the ground floor beside the stair.
- (vi) Rust removal and repainting of the steel frame windows to the lightwell.
- (vii) Repairs to the terrazzo flooring of the rear stair including cracking at Level 6 and mezzanine level, repairs where the balusters have been removed at Level 1, and removal of the mat at Ground Floor level and subsequent making good.
- (viii) Polishing of the terrazzo flooring of the rear stair.
- (ix) Cleaning of the tiling of the rear stair.
- (x) Removal all redundant conduit and wiring to the rear stair.
- (xi) Painting of the render of the rear facade.
- (xii) Except as approved by D/2014/409, removal of all later thresholds, floor tiling and risers to the recessed entries including the fire escape, and their replacement with stone or tiles appropriate to the period and style of the building, based on evidence wherever possible.

The modifications are to be submitted to and approved by Council's Manager of Urban Design and Heritage prior to a Construction Certificate being issued.

### **(3) DESIGN DETAILS (MINOR DEVELOPMENT)**

The following design details are to be submitted to and approved by Council's Manager of Urban Design and Heritage prior to a Construction Certificate being issued:

- (a) The sashes, cross section sizes and the section profiles of each member of the proposed timber framed windows are to be based upon physical evidence of the original windows in the building. Details are to be drawn at a scale of 1: 5 and are to be submitted. Details of the selected species are to be submitted.
- (b) The material and the pattern or design of the proposed window hardware is to match the original.
- (c) The window glass types are to be based upon documentary evidence in the 1906 photograph submitted, as well as upon physical evidence, including original windows in the building and buildings of the same style and period. Where coloured or patterned glass is evident in the highlight glazing, this should be reinstated.
- (d) All proposed finishes and colours.

**(4) AWARD OF HERITAGE FLOOR SPACE - STAGED AWARD**

The owner of the site may be awarded 1940sqm of heritage floor space under the Sydney Local Environmental Plan 2012 in a number of stages and at the times as set out below, if the criteria set out in the sub clauses below are complied with.

(a) The owner must complete the conservation work approved by this development consent and future Construction Certificates, to the satisfaction of Council's Manager of Urban Design and Heritage, prior to the registration of such heritage floor space in Council's Heritage Floor Space Register. To facilitate this final approval, regular site inspections of Stages 2 and 3 of the works, are to be undertaken by Council's own Heritage Specialist.

(i) 750 sqm of heritage floor space may be awarded upon approval of this application for conservation works undertaken in 2010.

(ii) 790 sqm of heritage floor space may be awarded upon the completion of the following conservation works:

a. The works approved under development consent D/2014/409.

b. The removal of all signage and illuminated signage relating to the ground floor and awning as required by Condition (2) of this consent.

c. The conservation of all terrazzo flooring and wall finishes and floor finishes to the 1930s configuration, and the exposure of the original pressed metal ceilings and reinstatement of ceiling components where these are missing so as to complete the ceiling system as required by Condition (2) of this consent.

d. The removal of all polished granite cladding to the ground floor, and the reinstatement of early fabric beneath where these are able to be conserved as required by Condition (2) of this consent. Where these are not retrievable, provide rockface sandstone indents to the three main piers and finishes to the secondary piers between the shopfront based on evidence found beneath.

e. The reinstatement of the return stone quoins on the eastern elevation as required by Condition (2) of this consent.

(iii) 400 sqm of heritage floor space may be awarded upon the completion of the following conservation works:

The Stage 3 works approved as part of this development application as modified by Condition (2) of this consent.

(b) The owner must enter into a deed with Council and register any required covenants on the title of the land prior to the award of any heritage floor space to:



- (i) ensure the continued conservation and maintenance of the building consistent with the Maintenance Plan submitted as part of this application;
  - (ii) limit any future development of the site to the total area of the conserved building, which has a FSA/GFA of 3627.8sqm; and
  - (iii) Limit the height of the building to the existing heights to 47.5 metres (height of existing building).
- (c) All legal documentation must be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.

The owner will be registered as the owner of heritage floor space progressively upon the completion of paragraphs (a) and (b) of this condition to the satisfaction of Council.

On the satisfactory completion of each stage in (a) and (b) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

#### **(5) SIGNAGE STRATEGY**

- (a) A Signage Strategy is to be submitted seeking approval of a signage strategy for the building prior to the award of any heritage floor space.
- (b) The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building, with reference to the Conservation Management Plan by Hector Abrahams Architects dated September 2015.

### **SCHEDULE 1B**

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

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

#### **(6) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)**

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

**(7) 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.

**(8) BARRICADE PERMIT**

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

**(9) 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.

**(10) GENERAL HERITAGE**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999.
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The new windows and doors on the existing building must match the original material, which is timber joinery and steel-framed.
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated.

**(11) HERITAGE INTERPRETATION PLAN**

- (a) An interpretation plan for the site must be submitted to and approved by Council's Urban Design and Heritage Manager prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.

- (b) The interpretation plan must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (d) Prior to the registration of the heritage floor space the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager.

#### **(12) HISTORIC MARKER**

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

#### **(13) MATERIALS FOR MAKING GOOD**

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

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

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

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.

- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

A digital based recording is to include:

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

A film based recording is to include:

- (g) 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

#### **(15) USE OF HERITAGE CONSULTANT**

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of the Construction Certificate or commencement of work on site whichever is the earlier.
- (c) Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:
  - (i) Undertake site inspections of not less than fortnightly intervals.
  - (ii) Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.
  - (iii) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.
- (d) Council is to be given access to the site at not less than four weekly intervals.

- (e) Upon completion of the works, the final report is to be submitted for approval by Council's Manager of Urban Design and Heritage prior to the issue of an Occupation Certificate or the commencement of the use, whichever is the earlier.

## **SCHEDULE 1C**

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

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

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

#### **(17) HOURS OF WORK AND NOISE – CBD**

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

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

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

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

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

The following requirements apply:

- (a) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (b) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (c) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (d) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (e) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

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

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

**SCHEDULE 2**

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

Carried unanimously.

**ITEM 10 NEWCOMBE STREET, PADDINGTON – PARTIAL ROAD OPENING AND CLOSURE (S111246)**

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

It is resolved that Council approve the closure of Newcombe Street (south), Paddington between Gordon Street and a new cul-de-sac just south of the private lane.

Carried unanimously.

## **ITEM 11 QUESTIONS ON NOTICE**

### **ELIZABETH STREET BUS ZONE (S103141)**

1. By Councillor Mandla

#### **Question**

Recently, my office has been informed of taxis using the bus stop outside of Channel 7 on Elizabeth Street as a Taxi Rank.

1. Does the City of Sydney monitor the use of this bus shelter?
2. If so, what steps are taken to ensure that the bus shelter isn't used improperly?
3. Do Rangers patrol this bus shelter?
4. If so, have many penalty infringement notices been issued to ensure that this shelter isn't being used improperly and how many?

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

1. Illegal parking at bus stops in the Sydney CBD can be enforced by the City's Rangers as well as the NSW Police.
2. In 2012, the NSW Government introduced the Motorcycle Response Team (MRT) in the Sydney CBD to specifically target known trouble spots and reduce illegal behaviour.  
Transport for NSW (TfNSW) can also deploy dedicated bus marshals to monitor operations at bus stops that have repeated issues with illegal parking.  
  
City Rangers take enforcement action by issuing a penalty notice when they observe a vehicle that is illegally parked.
3. City Rangers monitor the use of bus shelters as part of their regular compliance patrols. These patrols are undertaken in Elizabeth Street daily and also in response to concerns raised by the community.
4. City Rangers have issued a total of 60 penalty notices for bus zone offences in Elizabeth Street in the last twelve months.

### **BUSINESS VOTE (S103141)**

2. By Councillor Mandla

#### **Question**

Could the Lord Mayor please answer:

1. What progress has been made on the implementation of changes to the City of Sydney Act in respect of the non-residential roll?
2. Will the non-residential roll be ready for the 10 September election?



3. What communication is the City having with the Minister's office on the state of the roll?
4. Is the City considering requesting that the election be deferred to 2017 to enable the roll to be compliant?

**Answer by the Lord Mayor**

The implementation of the Non-residential Register and Rolls is the responsibility of the CEO. The CEO has previously committed to providing Councillors with regular updates on progress with the implementation of the Register and Rolls. The CEO advises the next update will be provided shortly.

**VACANT DWELLINGS IN THE CITY OF SYDNEY LGA (S103147)**

3. By Councillor Vithoukas

**Question**

A recent study by the University of NSW's City Futures Research Centre noted that 2011 Census figures showed one in seven dwellings were vacant in the Sydney CBD, Haymarket and The Rocks.

1. How many Council-owned buildings are currently vacant in the City of Sydney LGA?
2. Does the City have information about the number of empty dwellings that are currently in the City of Sydney LGA under private ownership?

**Answer by the Lord Mayor**

1. Vacant buildings are those City-owned buildings that are currently physically empty but otherwise occupiable. The City has two buildings available for leasing, Bellevue Cottage and Pirrama Park Café.
2. The City does not have information about the number of empty dwellings currently in the City of Sydney LGA under private ownership.

The City's Floor Space and Employment Survey (FES) captures data on dwelling numbers and residential floor space, however, information on the number of empty dwellings is not captured.

This is due to a number of factors, including resourcing as well as the difficulty in capturing this type of data accurately, given dwellings can be vacant at any one point in time for a number of reasons, including occupants being away on holidays and transitioning arrangements between leases or sales.

**LIGHT RAIL BUSINESS ACTIVATION WORKSHOPS (S103147)**

4. By Councillor Vithoukas

**Question**

During 2015, the City facilitated workshops for the Business Activation Program for South East Light Rail.

1. What dates were these workshops held?
2. Who attended these workshops?
3. Were any small business owners present at the workshops?

**Answer by the Lord Mayor**

1. TfNSW led and facilitated the following workshops:
  - 10 April 2015: CBD business stakeholder workshop
  - 16 July 2015: Surry Hills business stakeholder workshop
  - 4 November 2015: 'Light rail – what to expect as a small to medium business' drop-in session
  - 2 March 2016: Light rail business and community drop-in session (CBD North)
2. Attendance at workshops:
  - 10 April 2015: CBD business stakeholder workshop
    - Invited: 112 approx. (CBD business stakeholders, including large and small businesses)
    - Attended: 47 approx
  - 16 July 2015: Surry Hills business stakeholder workshop
    - Invited: 300 approx. (all Devonshire Street businesses door-knocked) + invites sent to TfNSW Surry Hills Light Rail Business Forum members
    - Attended: 27 approx.
  - 4 November 2015: 'Light rail – what to expect as a small to medium business' drop-in session
    - Invited: 5,000 (all businesses on the light rail alignment incl. CBD and Surry Hills letter-dropped)
    - Attended: 23 approx.
  - 2 March 2016: Light rail business and community drop-in session (CBD North)
    - Invited: 2,000 invites letter-dropped + over 500 door-knocked (including businesses on George St, from Circular Quay – Grosvenor Street and The Rocks precinct). *Co-ordinated by Transport for NSW.*
    - Attended: 40 approx.

3. Yes, these workshops have focused on small to medium size businesses.

### **LIGHT RAIL BUSINESS ACTIVATION PROGRAM (S103147)**

5. By Councillor Vithoukas

#### **Question**

Two activation zones on George Street have been identified for 'light touch place making' regarding the construction of the CBD light rail – Zone 4 and Zone 8.

1. Were any businesses on or in Zone 4 and Zone 8 consulted regarding the pop up furniture in George Street as a strategy for business activation?
2. Who was consulted regarding this strategy for business activation?
3. Was the strategy a decision solely from the City of Sydney?
4. Is Transport for NSW contributing any funds for this strategy and, if so, how much?
5. What is the future budget contribution estimates from the City of Sydney in regard to business activation programs for CBD and South East Light Rail construction?

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

1. Two activation zones on George Street have been identified for 'light touch place making' regarding the construction of the CBD light rail – Zone 4 and Zone 8.

Yes, businesses were consulted by TfNSW in the 10 April 2015 CBD Business stakeholder workshop and further consultation will be done now that a detailed program has been worked up.

If requested by TfNSW, the City proposes to install tables and chairs (space permitting and following consultation) from late April (subject to Council endorsement in April).

TfNSW seeks to use the space from mid-April for their own activation.

TfNSW and the City will be door-knocking businesses in Zone 4 this week to consult on the proposals.

Note: Due to changes in the light rail construction program, the Zone 8 activation space is no longer be available. We are currently working with TfNSW (and the Transport Management Centre) to find future spaces along George Street.

2. Business workshops held in 2015 (mentioned above) sought to gather creative ideas from businesses on how to keep the city activated during construction and support local businesses. The strategy is based on these ideas.

In addition, TfNSW has consulted with a range of businesses, major public event producers and other business chambers across the light rail construction alignment.

Locations for the activations are in areas where they can be of benefit to small businesses impacted by the works, and are subject to availability and approval by the Transport Management Centre.

3. No. The Business Activation Program is being led by the TfNSW CBD Coordination Office and is being delivered in partnership with the City of Sydney and a number of other agencies, such as the Office of the Small Business Commissioner.

The following organisations and peak bodies have been regularly consulted on TfNSW's Business Activation Strategies and Program:

- City of Sydney
  - Randwick City Council
  - Department of Premier and Cabinet
  - Office of NSW Small Business Commissioner
  - Sydney Business Chamber
  - Sydney Harbour Foreshore Authority
  - Tourism Accommodation Association
  - Property Council of NSW
  - Retail Council
  - Australian National Retail Association (NSW)
  - Tourism and Transport Forum
  - Destination NSW
4. Yes. TfNSW has an annual Business Activation Budget, dedicated internal resources and is fully funding a number of activation strategies currently in development and production.

TfNSW fully funded the George Street Christmas activation program and associated media campaign.

5. Refer to confidential Attachment A – Tender Evaluation Summary of the Tender report 'Pop up furniture in George Street during the CBD and South East Light Rail construction'.

#### **NON-RESIDENTIAL REGISTER (S103147)**

6. By Councillor Vithoukas

#### **Question**

1. How many businesses have been contacted to date to inform them of their compliance obligations for the City of Sydney Non-Residential Register?
2. How many registrations for the City of Sydney Non-Residential Register have been confirmed so far?

**Answer by the Lord Mayor**

The implementation of the Non-residential Register and Rolls is the responsibility of the CEO. The CEO has previously committed to providing Councillors with regular updates on progress with the implementation of the Register and Rolls. The CEO advises the next update will be provided shortly.

**STREET ART POLICY (S103142)**

7. By Councillor Scott

**Question**

In response to a question on notice on Monday 9 December 2013, regarding when the City's forthcoming street art policy will be presented to Council, the Lord Mayor responded that "The project is well underway and I have been advised that the findings will be presented to Council in early 2014."

In response to a question on notice on Monday 12 May 2014, regarding when the City's forthcoming street art policy will be presented to Council, the Lord Mayor responded that "The new draft policy will be presented to Council in 2014."

In response to a question on notice on Monday 8 December 2014, regarding when the City's forthcoming street art policy will be presented to Council, the Lord Mayor responded that "It is proposed to finalise the present the Street Art and Murals Discussion Paper and Action Plan for Council to consider in early 2015."

In response to a question on notice on Monday 27 April 2015, regarding when the City's forthcoming street art policy will be presented to Council, the Lord Mayor failed to provide a date for when the policy will be presented to Council.

In response to a question on notice on Monday 10 August 2015, regarding when the City's forthcoming street art policy will be presented to Council, the Lord Mayor failed to provide a date for when the policy will be presented to Council.

When will the City of Sydney's Street Art Policy be presented to Council?

**Answer by the Lord Mayor**

As has been previously advised, street art raises many complex issues including planning, compliance and legal questions, on which divergent views may exist.

Staff are continuing to work through these to ensure a carefully considered position is arrived at.

### **MOORE PARK TREES (S103142)**

8. By Councillor Scott

#### **Question**

Would the Lord Mayor consider withholding contributions agreed to under the Memorandum of Understanding between the City of Sydney and Transport for NSW for the CBD and South East Light Rail Project until the NSW State Government abandons its plans to remove trees in Moore Park due to be removed as part of the CSELR project?

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

The CEO has advised me that the trees to be removed are located on land controlled by the Centennial Park and Moore Park Trust. There is no provision in the development agreement between the City and TfNSW for the withholding of the City's contributions in relation to the removal of trees on this land.

### **ELECTRICITY PRODUCTION, SUPPLY AND SALE (S103142)**

9. By Councillor Scott

#### **Question**

What are the legal and regulatory consents required for an organisation to produce, supply, and/or sell electricity?

Has the City of Sydney applied for any legal or regulatory consents to produce, supply, and/or sell electricity?

If so, when did the City of Sydney apply for any such consent and was consent granted?

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

Planning consent may be required under the Environmental Planning and Assessment Act for electricity generating works, depending on the scale of the works and their location. Technical approval is required in accordance with the provisions of the Electricity Supply Act to connect electricity generating works to the public electricity grid.

Under the National Electricity Rules, organisations may be able to set up private, or embedded networks. Examples can be found in some major shopping centres and many caravan parks. Most embedded networks need regulatory approval.

Sale of electricity from one customer to another may require regulatory approval, however, there is a general exemption for government and community organisations that sell energy to others secondary to their core functions. The City has not been involved in any projects where it has been necessary to obtain regulatory approval for supply or sale of electricity.

The City has applied for and obtained planning and technical approvals for a number of electricity generation projects, such as the Town Hall House trigeneration project. The City sought approval for this project in August 2015 and obtained consent in December 2015.

## **LOCAL PEDESTRIAN, CYCLING AND TRAFFIC CALMING COMMITTEE (S103142)**

**10.** By Councillor Scott

### **Question**

What is the delegation arrangement between Council and the Local Pedestrian, Cycling and Traffic Calming Committee?

Which items carried at a meeting of the LPCTCC are referred to Council for final approval?

If items are not referred to Council, how are they approved?

Does the Lord Mayor continue to support these arrangements?

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

The Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) is primarily a technical Committee, introduced by Roads and Maritime Services (RMS), to advise Council on traffic, parking and road safety issues within the Local Government Area.

Further information on the processes and administrative arrangements associated with the LPCTCC may be found here:

- RMS – “Guide to the Delegation to Council’s for the Regulation of Traffic”:  
[http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/lcguidev13\\_i.pdf](http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/lcguidev13_i.pdf)
- City of Sydney – “Local Pedestrian, Cycling and Traffic Calming Committee – Policies and Procedures of Committee”:  
[http://www.cityofsydney.nsw.gov.au/\\_data/assets/pdf\\_file/0008/243494/150914\\_COUNCIL\\_ITEM44\\_ATTACHMENTS.PDF](http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0008/243494/150914_COUNCIL_ITEM44_ATTACHMENTS.PDF)

These arrangements have been in place for some years with the approval of Council, which most recently approved them in September 2015.

## **BANK STREET PARK, PYRMONT (S103142)**

**11.** By Councillor Scott

### **Question**

Has the City conducted any community consultation on the proposed Bank Street Park, Pyrmont?

Does the City have any future plans for community consultation regarding the future of the Bank Street, Pyrmont precinct?

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

Urban Growth NSW has recently indicated that it intends to deliver the park as part of the Bays Precinct infrastructure.

The City expects Urban Growth NSW to fully consult the community about its plans for this open space

Therefore, there is no commitment by the NSW Government or timeframe for a transfer of the Bank Street land to the City.

## **PUBLIC HOUSING FORUMS AND PUBLICATIONS (S103142)**

**12.** By Councillor Scott

### **Question**

Since March 2014, how many City of Sydney public housing forums have been organised?

During this time period, how many have had State and Federal Members of Parliament as invited guests?

Since March 2014, how many City advertisements or leaflets contain the names and/or photos of State or Federal members of Parliament?

Since March 2014, broken down by flyer and advertisement, what is the total cost of advertising and the distribution of leaflets to residents to publicise such public housing forums?

Since March 2014, broken down by flyer and advertisement, what is the total cost of advertising and the distribution of leaflets to residents to publicise other public housing forums?

Can the Lord Mayor provide copies of any advertising or leaflets for public housing forums to Councillors that name State or Federal Members of Parliament, from March 2014 to March 2016?

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

Twenty-seven forums have been organised.

Invited State and Federal Members of Parliament are as follows:

- 2014 – Alex Greenwich x 6 / Ron Hoenig x 4
- 2015 – Alex Greenwich x 5, Ron Hoenig x 2, Jenny Leong x 5, Jamie Parker x 2
- 2016 – Alex Greenwich x 2, Jenny Leong x 2, Ron Hoenig x 1

Thirteen advertisements/leaflets contained names and/or photos of State or Federal members of Parliament.

Costs as are as follows:



<b>Suburb</b>	<b>Quantity</b>	<b>Print Cost</b>	<b>Total</b>
Surry Hills x 3	3,150	630.00	
Woolloomooloo x 5	5,000	1,000.00	
Waterloo x 5	13,000	2,600.00	
Redfern x 4	6,400	1,280.00	
Glebe x 4	6,400	1,280.00	
Millers Point x 5	2,500	500.00	
			<b>\$7,290.00</b>

Copies of any advertising or leaflets will be distributed to Councillors via the CEO Update.

### **WILSON SECURITY (S103142)**

**13.** By Councillor Scott

#### **Question**

Recent media coverage has revealed documents allegedly implicating Wilson Security in business activities relating to off-shore tax havens, money laundering activities, and corrupt behaviour.

Does the City of Sydney currently have any contracts with Wilson Security or its parent company or any subsidiary companies?

Does the City of Sydney currently have any contracts with other companies or parent companies or any subsidiary companies implicated in recent media about off-shore tax havens?

If so, when do each of these contracts expire?

In light of these events, what actions, if any, will the Lord Mayor undertake to ensure that the City's ethical and legal obligations are being met in relation to any existing contracts with Wilson Security and any other companies, parent or subsidiary companies implicated?

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

Yes, the City is currently a party to three contracts with Wilson entities.

Staff are not aware of any contracts of this nature.

The contracts with Wilson entities expire on 20 June 2020, 31 March 2019 and 1 June 2016.

The contracts are managed by staff to ensure that the contractors comply with each contract. Procurement staff will meet with the contractors shortly to discuss the concerns raised.

**CITY OF SYDNEY - COMMISSIONED NATIONAL TRANSPORT SURVEY (S103148)**

14. By Councillor Forster

**Question**

The City of Sydney recently commissioned the Local Government Research Group to conduct a national survey of people's use of various transport modes, focused particularly on whether or not they or members of their households were cyclists.

1. What was the purpose of the national survey?
2. What was the cost of the national survey?
3. When are the results of the national survey to be made public?

**Answer by the Lord Mayor**

The Australian Bicycle Council (part of Austroads) is responsible for implementation of the National Cycling Strategy and its national target of doubling cycling participation. To measure progress, the Australian Bicycle Council undertakes an annual national cycling participation survey in March. Councils can opt in to have a larger, statistically significant, sample size used in their LGA, providing a local dataset comparable with the national survey and other LGAs. The cost is \$9,500. The results of the national cycling participation survey are published on the Australian Bicycle Council website each July. Last year's results are at [www.bicyclecouncil.com.au/publication/national-cycling-participation-survey-2015](http://www.bicyclecouncil.com.au/publication/national-cycling-participation-survey-2015)

**FIG AND WATTLE DEPOT (S103148)**

15. By Councillor Forster

**Question**

In an answer to a March 2016 Question on Notice about the Fig and Wattle Depot, the Lord Mayor stated that, on 15 February 2016, she received a response from the Minister for Education, presumably in relation to the proposed sale of the Fig and Wattle Depot. The Lord Mayor also stated that, on 14 March 2016, the CEO received a subsequent letter from Mr John Neish, Director of Planning and Property, NSW Department of Education. What was the exact content of these letters?

**Answer by the Lord Mayor**

The letters referred to will be circulated to Councillors in the CEO Update.

## **CROWN STREET CYCLE INFRASTRUCTURE WORKS (S103148)**

**16.** 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 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?
2. On average, how many cyclists attend the Rapha Cycle Club weekly weekend rides and special event rides?
3. 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?
4. Has the City of Sydney now requested Rapha Cycle Club no longer use a temporary bike hanging rack for bicycles parked outside its premises, but instead use the Council installed permanent bicycle racks?

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

The City does not collect data on the number of cycle club rides organised by private businesses, including Rapha Cycle Club. A report to the Local Pedestrian, Cycling and Traffic Calming Committee in 15 October 2014 noted that the Rapha hosts weekly club rides on weekends and special event rides regularly attract up to 100 cyclists.

In August and September 2014, the City consulted with the community for a proposal to reduce the size of a loading zone on Crown Street, between Fitzroy Place and Fitzroy Street, by four metres to accommodate the bicycle parking and footpath widening. Four objections were received in relation to the reduction in the size of the loading zone.

In response to the objections, and a response from the Central Sydney Traffic and Transport Committee (CSTTC), the City again consulted in June and July 2015 for the implementation a new 11 metre loading zone on Crown Street south of Fitzroy Street.

The footpath widening and associated loading zone changes have increased the overall length of loading zone space on this section of Crown Street by seven metres.

The City has made no requests to businesses or residents about the use of temporary bike racks.

**CAR SHARE MEMBERSHIP (\$103148)**

17. By Councillor Forster

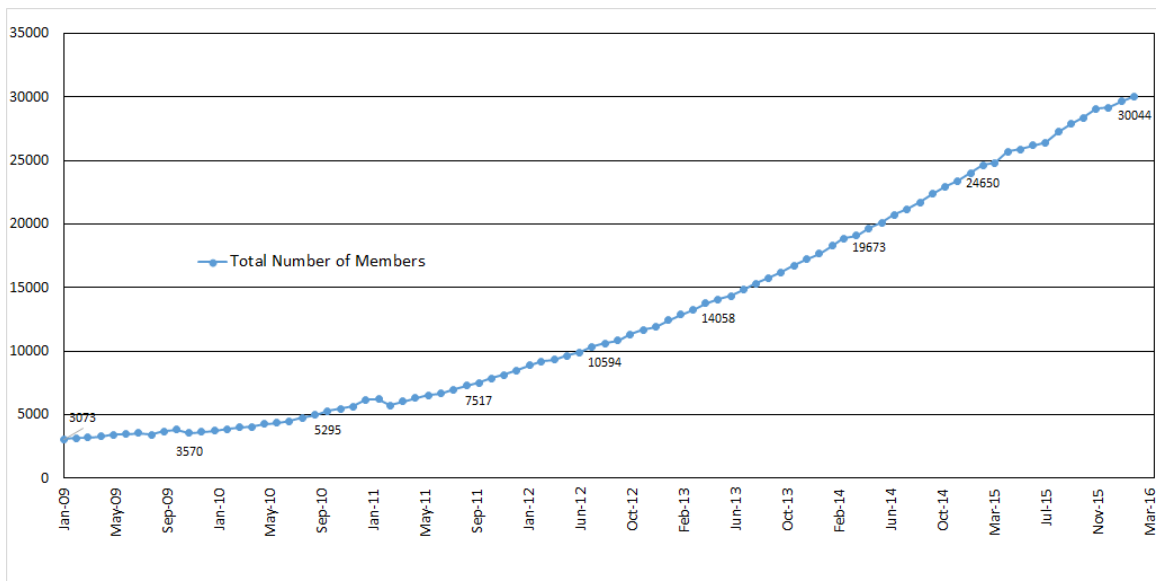
**Question**

In a Relevant to Memo dated 21 March 2016, car share membership growth figures were displayed in a graph with data starting from January 2009 to January 2015. Can the Lord Mayor please provide car share membership growth figures from January 2009 to March 2016?

**Answer by the Lord Mayor**

The graph below shows growth in car share membership from January 2009 to February 2016 (the latest period for which data is available). There were 30,044 car share members within the City of Sydney at February 2016.

**Figure 1 Car Share Membership January 2009 to March 2016**



**ITEM 12 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS**

There were no supplementary answers to previous Questions on Notice for this meeting of Council.

## **ITEM 13 NOTICES OF MOTION**

### **WATERLOO PUBLIC HOUSING SUPPORT (S103133)**

1. Moved by Councillor Scott, seconded by Councillor Doutney -

It is resolved that Council:

(A) note:

- (i) the NSW State Government's announcement to proceed with plans for the Sydney Metro project including the construction of a station at Waterloo; and
- (ii) the movement of Waterloo public housing estate residents who have been informed that they will be required to move from their current dwelling during the construction phase of the project;

(B) call on the NSW Government to:

- (i) invest funds to increase the levels of new public housing and affordable housing homes in Waterloo and adjacent areas affected by the Sydney Metro plan; and
- (ii) provide guarantees to public housing residents affected by the Sydney Metro plans to have the first priority right of return to new public and/or affordable housing dwellings constructed in Waterloo and adjacent areas;

(C) approve access free-of-charge in the City's community facilities to organisations and qualified staff to deliver relevant support services, including tenancy advice, legal advice, counselling and mental health services, to any public housing residents impacted by the Waterloo Metro plans, in accordance with the City's community venue hire procedures;

(D) approve the allocation of a financial contribution up to a maximum of \$100,000 to Redfern Legal Centre over the next 12 months (including the 2015/16 and 2016/17 financial years) to support tenant support, advocacy and advice services to public housing tenants impacted by the Waterloo Metro plans; and

(E) authorise the Chief Executive Officer (CEO) to enter into appropriate funding agreements with the Redfern Legal Centre and report back via a CEO Update, noting that additional funding may be required at the discretion of Council once the full extent of the relocations are understood in greater detail.

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

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

It is resolved that Council:

(A) note the NSW State Government has:

- (i) announced plans to proceed with the Sydney Metro project, including the construction of a station at Waterloo;

- (ii) announced that around 13 hectares of government land currently used primarily for public housing would become mixed-housing with 10,000 dwellings, including around a third social and affordable housing; and
  - (iii) informed Waterloo public housing estate residents they will be required to move during construction and committed to giving them the right to return to the area following the redevelopment;
- (B) call on the NSW Government to:
- (i) work closely with Waterloo Public Housing tenants to allay and respond to their fears, including reconfirming that all public housing tenants affected by redevelopment will be provided with alternative housing and have the opportunity to return to new public housing constructed in Waterloo and adjacent areas;
  - (ii) increase the level of social and affordable housing in the redevelopment, in addition to its stated commitment to no nett loss of public housing in Waterloo and adjacent areas;
- (C) approve access free-of-charge in the City's community facilities to organisations and qualified staff to deliver relevant support services, including tenancy advice, legal advice, counselling and mental health services, to any public housing residents impacted by the Waterloo Metro plans, in accordance with the City's community venue hire procedures; and
- (D) continue to engage with Redfern Legal Centre regarding the relocation of public housing tenants in Waterloo and provide them with appropriate assistance when it is required.

Variation. At the request of Councillor Scott, and by consent, the amendment was varied by the deletion of clause (D) and the substitution of a new clause (D), and the addition of a clause (E), as follows:

- (D) approve the allocation of a financial contribution up to a maximum of \$100,000 to Redfern Legal Centre over the next 24 months from the General Contingency Fund to support tenant support, advocacy and advice services to public housing tenants impacted by the Waterloo Metro plans; and
- (E) authorise the Chief Executive Officer to negotiate an appropriate funding agreement with the Redfern Legal Centre and advise Council before a final decision is made, noting that additional funding may be required at the discretion of Council once the full extent of the relocations is understood in greater detail.

The amendment, as varied by consent, was carried on the following show of hands –

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

Noes (1) Councillor Forster.

Amendment carried.

The substantive motion was carried on the following show of hands –

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

Noes (1) Councillor Forster.

Motion carried.

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

It is resolved that Council:

(A) note the NSW State Government has:

- (i) announced plans to proceed with the Sydney Metro project, including the construction of a station at Waterloo;
- (ii) announced that around 13 hectares of government land currently used primarily for public housing would become mixed-housing with 10,000 dwellings, including around a third social and affordable housing; and
- (iii) informed Waterloo public housing estate residents they will be required to move during construction and committed to giving them the right to return to the area following the redevelopment;

(B) call on the NSW Government to:

- (i) work closely with Waterloo Public Housing tenants to allay and respond to their fears, including reconfirming that all public housing tenants affected by redevelopment will be provided with alternative housing and have the opportunity to return to new public housing constructed in Waterloo and adjacent areas;
- (ii) increase the level of social and affordable housing in the redevelopment, in addition to its stated commitment to no net loss of public housing in Waterloo and adjacent areas;

(C) approve access free-of-charge in the City's community facilities to organisations and qualified staff to deliver relevant support services, including tenancy advice, legal advice, counselling and mental health services, to any public housing residents impacted by the Waterloo Metro plans, in accordance with the City's community venue hire procedures;

(D) approve the allocation of a financial contribution up to a maximum of \$100,000 to Redfern Legal Centre over the next 24 months from the General Contingency Fund to support tenant support, advocacy and advice services to public housing tenants impacted by the Waterloo Metro plans; and

(E) authorise the Chief Executive Officer to negotiate an appropriate funding agreement with the Redfern Legal Centre and advise Council before a final decision is made, noting that additional funding may be required at the discretion of Council once the full extent of the relocations is understood in greater detail.



## Adjournment

At this stage of the meeting, at 6.40pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Mant –

That the meeting be adjourned for approximately 15 minutes.

Carried.

At the resumption of the meeting of Council, at 6.57 pm, those present were –

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

## JOHNSTONS CREEK MASTERPLAN (S103133)

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

It is resolved that Council:

(A) note:

- (i) the Resolution of Council of 19 August 2013 on the adoption of the Johnstons Creek Parklands Masterplan;
- (ii) the answer to a Question on Notice on Johnstons Creek Parklands Masterplan provided at Council on 18 May 2015 which noted that only three projects as part of the Masterplan have been identified and funded for completion by mid-2018; and
- (iii) the need for the entirety of the capital works in the Johnstons Creek Parklands Masterplan to be completed as soon as possible to provide improved public amenity and access to green spaces as the development at Harold Park nears completion; and

(B) request the Chief Executive Officer bring forward funding and resources in the Integrated Planning and Reporting Program and Budget 2016/2017 for the completion of any outstanding capital works projects not currently funded as part of the Johnstons Creek Parklands Masterplan.

Foreshadowed motion. Councillor Kok foreshadowed that, should Councillor Scott's motion be lost, he would move the following alternative motion:

It is resolved that Council:

(A) note:

- (i) the Resolution of Council of 19 August 2013 on the adoption of the Johnstons Creek Parklands Master Plan;
- (ii) the answer to a Question on Notice on Johnstons Creek Parklands Master Plan provided at Council on 18 May 2015 which noted that “the upgrade of open space as outlined in the Johnstons Creek master plan will be delivered through three projects”; and

- (iii) the answer to the Question on Notice included a detailed breakdown of allocated funds for all three projects;
- (B) note the projects endorsed with the Master Plan in 2013, for which capital works budgets and future estimates were allocated, are either completed or underway. They are:
- (i) the new 3.8 hectare open space at Harold Park, for which construction has commenced and is scheduled to be completed by the end of 2016;
  - (ii) the Crescent Lands at Johnston Creek, which includes the Federal Park playground, is underway and the works are scheduled to be completed by mid-2017;
  - (iii) the community space within the former Tram Sheds, which is currently being developed; and
  - (iv) Jubilee Oval playing field and Jubilee Park Playground, which have both been completed; and
- (C) request the Chief Executive Officer to continue to provide updates on the progress of projects currently being delivered as part of the Johnstons Creek Parklands Master Plan.

Councillor Scott's motion was lost on the following show of hands –

Ayes (3) Councillors Forster, Scott and Vithoukias

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

Motion lost.

Councillor Kok then moved his foreshadowed motion, seconded by Councillor Green.

Carried unanimously.

### **DELEGATIONS TO THE LORD MAYOR (S103133)**

3. By Councillor Scott –

It is resolved that Council:

- (A) note paragraph 4(a) of the City's Delegations to the Lord Mayor policy which states that Council delegates to the Lord Mayor, on an ongoing basis, the authority "to approve all press statements and publications issued on behalf of Council, unless Council determines otherwise on a specific issue"; and
- (B) revoke the aforementioned authority as per paragraph 4(a) of the City's Delegations to the Lord Mayor with relation to communicating on behalf of the City with any person/s or organisation/s from data gathered through the registration form for the non-residential roll, including the use of any message from, a photograph of, or the signature of the City of Sydney Lord Mayor as part of any communication.

Note - At the meeting of Council, Councillor Scott withdrew her Notice of Motion.

**MOORE PARK TREES (S103133)**

4. Moved by Councillor Scott -

It is resolved that Council:

- (A) note the ongoing removal of trees as part of the construction works of the NSW State Government's CBD and South East Light Rail project and the proposed removal of trees in Moore Park as part of this project;
- (B) oppose the future removal of any trees in Moore Park as part of the CSELR project; and
- (C) write to the Premier of NSW and the Minister for Transport:
  - (i) noting Council's opposition to the removal of any trees in Moore Park as part of the CSELR project;
  - (ii) calling for the protection of trees in Moore Park earmarked for removal due to the CSELR project; and
  - (iii) requesting that the contract for the CSELR project be amended accordingly to ensure the protection of trees in Moore Park.

The motion lapsed for want of a seconder.

**PARKING RESTRICTIONS, PADDINGTON (S103133)**

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

It is resolved that Council:

- (A) note:
  - (i) the endorsement by the Local Pedestrian, Cycling and Traffic Calming Committee on 16 March 2016 of item 37 Parking – Parking Permits, Various Streets Paddington, including changes to the time limits on existing permit parking restrictions on the western side of Greens Road, Paddington; and
  - (ii) the recommendation was carried with the exception of the representative for the Member for Sydney; and
- (B) not proceed as proposed with changes to parking restrictions on Greens Road, Paddington as endorsed by the Local Pedestrian, Cycling and Traffic Calming Committee and retain the current parking restrictions in place.

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:

- (A) note the endorsement by the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) on 16 March 2016 of item 37 Parking – Parking Permits, Various Streets Paddington, including changes to the time limits on existing permit parking restrictions on the western side of Greens Road, Paddington;
- (B) note that Council:
  - (i) unanimously agreed on 14 May 2014 for the Chief Executive Officer to “begin consultation on changes to parking restrictions in Paddington on a proposal to extend parking time limits in Greens Road, Oatley Road, and South Dowling Streets, and review parking enforcement, time limits and hours of operation in the broader locality”. This was in response to feedback on the draft Neighbourhood Parking Policy;
  - (ii) undertook a parking occupancy and compliance survey in August 2014 and widely consulted with local residents and businesses in the area. The majority of respondents were in favour of the proposal to change the time limits on parking restrictions; and
  - (iii) recommended the LPCTCC endorse changes to parking time limits in Paddington, to include 2P to 4P parking on Greens Road and the LPCTCC also asked for staff to report back on compliance with the new restrictions and the potential for pay parking to improve compliance; and
- (C) re-affirm that the Committee and Council have met their obligations to fairly balance a range of public interests.

Councillor Scott’s motion was lost on the following show of hands –

Ayes (3) Councillors Forster, 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 –

The motion was carried on the following show of hands –

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

Noes (3) Councillors Forster, Scott and Vithoukas.

Motion carried.

### **Extension of Time**

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

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

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

Carried.

### **SAFE SCHOOLS PROGRAM (S103137)**

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

It is resolved that:

(A) Council note:

- (i) Safe Schools Coalition Australia (SSCA) was initiated following the request from teachers and schools, seeking assistance in how to create an inclusive and safe environment for their LGBTIQ students and students' families. This was due to the bullying and discrimination that teachers had observed in schools;
- (ii) the disturbing findings of same-sex attracted young people in Australia in 2010; 61% reported experiencing homophobic verbal abuse and 18% reported experiencing physical abuse. 80% of this abuse was reported to have occurred at schools;
- (iii) the All Of Us guide is a resource under the Safe Schools Coalition that was evidence-based, and was initially written by teachers, curriculum experts and SSCA, and was trialled and tested before it was released. Recently, the review ordered by the Federal Government again confirmed the relevance and positive impact of the program and the resources it offers. Currently, 490 schools across Australia are signed up to the Safe Schools Coalition;
- (iv) despite the positive feedback to come from the review, the Federal Government has severely reduced the materials available, and made parental consent necessary before students can take part. This defeats the purpose of the program to create a safe space;
- (v) this is not the first federally-funded LGBTIQ safety program that has been jeopardised by conservative factions; in 1997, the "Here For Life" Youth Sexuality Project, focusing on suicide prevention, saw the same arguments at play, claiming the program is a 'recruitment for the gay lifestyle'. It never went national;
- (vi) Victoria and the ACT have taken a stand against the Federal Government and promised to keep funding for Safe Schools in place through the State Government;
- (vii) the Premier of NSW, Mike Baird, has made no such promise, and has stated his support for the Federal Government's decision; and
- (viii) as there was no opportunity to make submissions to the inquiry into the Safe Schools program commissioned by the Federal Government, the Lord Mayor has written to the Prime Minister in support of the Safe Schools program; and

(B) the Lord Mayor be requested to:

- (i) write to all school principals in the local LGA, encouraging them to continue participating in the Safe Schools program, particularly considering the high prevalence of LGBTIQ youth in the City of Sydney LGA; and
- (ii) sign the Supporter Organisations pledge on the Safe Schools Coalition Australia website, to publicly declare the City of Sydney's support for the program.

Carried unanimously.

### **THE RIGHT TO PROTEST (S103137)**

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

It is resolved that:

(A) Council note:

- (i) the right to peaceful protest is important in a democratic society and has been instrumental in the introduction of a large number of vital social reforms, including women's rights to vote, Aboriginal land rights and the protection of heritage in The Rocks;
- (ii) in March 2016, the Baird Government passed the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Act which endangers a citizen's right to peaceful protest through the introduction of new police powers to shut down peaceful protests and issue penalties of \$5,500 and up to seven years gaol for citizens who are deemed to have 'interfered' with mining activities as part of their protest;
- (iii) following this, the Baird Government also introduced the Criminal Legislation Amendment (Organised Crime and Public Safety) Act 2016 which provides the police with additional powers to ban people from public places for up to 72 hours; and
- (iv) these new laws endanger the fundamental right of citizens to conduct a peaceful protest and have been characterised as such by the Law Society of NSW and the NSW Bar Association, amongst others; and

(B) the Lord Mayor be requested to write to the NSW Premier, Mike Baird, outlining the City's strong concerns that these new powers threaten civil liberties and the ability of citizens to engage meaningfully in the political process.

The motion was carried on the following show of hands –

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

Noes (1) Councillor Forster.

Motion carried.

**COMMUNITY SPORTING FIELD AGREEMENTS (S103138)**

8. Moved by Councillor Vithoukas, seconded by Councillor Mant -

It is resolved that Council note:

(A) on 7 March 2016, the Sutherland Shire Council Infrastructure Projects and Works Committee received a report titled 'Community Sporting Field Agreements with the Department of Education and Communities'. The report noted that:

- (i) historically the Department of Education and Communities had encouraged local schools to enter into community use agreements for the use of sporting fields guided by the Community Use of School Facilities Policy;
- (ii) the Department of Education and Communities have recently changed their approach and individual school Principals are no longer permitted to enter into agreements for the community use of sporting fields, with agreement moving to the Department of Education and Communities;
- (iii) local community sporting groups have expressed concern that they could lose access to school sporting fields under the new arrangements;
- (iv) Council noted at its meeting on 23 February 2015 that changing demographics and population growth in the City of Sydney was increasing demand for the Council-owned sport and recreation facilities;
- (v) on 27 April 2015, a Lord Mayoral Minute requested that an integrated Open Space, Sports and Recreation Needs Study be reported to Council by the end of 2015; and
- (vi) on 21 March 2016, Council was advised, via an answer to a Question on Notice, that the Open Space, Sports and Recreation Needs Study was currently being finalised; and

(B) the Chief Executive Officer be requested to:

- (i) investigate whether any schools in the City of Sydney LGA have been impacted by the Department of Education and Communities policy change;
- (ii) investigate whether these changes may place added pressure on the demand for Council-owned sport and recreation facilities; and
- (iii) report back to Council via the CEO update about the impact of the changes on local schools and sporting clubs.

Carried unanimously.

**REGISTERED NURSES IN NURSING HOMES (S103133)**

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

It is resolved that Council:

(A) note:

- (i) the Resolution of Council of 18 May 2015 on Registered Nurses in Nursing Homes; and
  - (ii) with concern the potential risk to residents of nursing homes across the City of Sydney regarding the potential removal of the requirement to have a registered nurse on duty at all times which is currently being considered by the NSW State Government following legislative changes by the Commonwealth Government;
- (B) re-affirm its in-principle support for the work of the NSW Nurses and Midwives Association (NSWNMA) to ensure high quality care in nursing homes; and
- (C) write to the NSW Minister for Health, the Hon. Jillian Skinner MP, and Shadow Minister for Health, the Hon. Walter Secord MLC, expressing Council's in-principle support for the NSWNMA's campaign "RN 24/7" and the retention of registered nurses in residential aged care facilities throughout NSW.

Foreshadowed motion. Councillor Kok foreshadowed that, should Councillor Scott's motion be lost, he would move the following alternative motion.

It is resolved that Council:

- (A) note:
- (i) the Resolution of Council of 18 May 2015 on Registered Nurses in Nursing Homes;
  - (ii) consistent with the resolution of 18 May 2015, the Lord Mayor wrote to the NSW Minister for Health, the Hon. Jillian Skinner, and the Shadow Minister for Health, the Hon. Walter Secord MLC, on 15 July 2015 about the changes to the legislative requirement for a registered nurse to be on duty at all times at aged care facilities;
  - (iii) a subsequent response from the NSW Minister for Health, the Hon. Jillian Skinner, was received on 10 August 2015 and distributed to all Councillors via the CEO update on 21 August 2015;
  - (iv) no response has yet been received from the Shadow Minister for Health, the Hon. Walter Secord MLC;
  - (v) an Upper House Inquiry was established on 25 June 2015 to report on registered nurses in NSW nursing homes; and
  - (vi) the final report was published on 29 October 2015 with 17 recommendations, including that "the NSW Government retain the requirement in section 104(1)(a) of the Public Health Act 2010 for registered nurses to be on duty in nursing homes at all times" and that the Government's response is due on 29 April 2016; and
- (B) re-affirm its in-principle support for the work of the NSW Nurses and Midwives Association (NSWNMA) to ensure high quality care in nursing homes.



Councillor Scott's motion was lost on the following show of hands –

Ayes (2) Councillors Scott and Vithoulikas

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

Motion lost.

Councillor Kok then moved his foreshadowed motion, seconded by Councillor Forster.

Carried unanimously.

**NOTICES OF MOTION WHICH SPECIFICALLY IDENTIFY A PERSON OR BUSINESS (S103139)**

**10.** Moved by Councillor Forster, seconded by Councillor Scott -

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 that resolution cited an incident in which a man was injured in a fall at a backpacker hostel in Potts Point, which was subsequently identified in news reports and commentary related to the incident;
- (iii) Clause (A)(ii) of that resolution 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) of that resolution 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) of that resolution 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) of that resolution 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; and
- (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; and

(B) Council request the Chief Executive Officer to 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.

The motion was lost on the following show of hands –

Ayes (3) Councillors Forster, Scott and Vithoukias

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

Motion lost.

### **PUBLIC SPACE EVALUATION IN KINGS CROSS/POTTS POINT (\$103139)**

**11.** Moved by Councillor Forster, seconded by Councillor Scott -

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) in October 2015, the Lord Mayor wrote to the Minister for Innovation and Better Regulation, Victor Dominello, and the Minister for Planning, Rob Stokes, requesting legislative amendments to address backpacker accommodation providers operating under ‘existing use rights’, the safety of guests and anti-social behaviour;
- (iii) according to an alternative motion tabled by Councillor Mant at the Council meeting of 21 March 2016, the Lord Mayor, Councillor Jenny Green and a number of residents met with Minister Dominello on 14 December 2015 to discuss options for reform, including a single piece of legislation that would regulate all forms of commercial share accommodation through the expansion of the Boarding Houses Act 2012;
- (iv) since then, the Minister has given consideration to that request, but no formal changes to legislation have yet been proposed and the existing regulatory arrangements for backpacker hostels in the Kings Cross/Potts Point area remain in place;
- (v) the operators of backpacker hostels do not have authority to police the behaviour of people outside their premises;
- (vi) nearby residents are able to raise concerns they have about the operations of backpacker hostels with both City of Sydney Council and NSW Police;
- (vii) according to a letter written by the Lord Mayor, dated 23 February 2016, the operators of backpacker hostels in Kings Cross/Potts Point continue to “work effectively” with both Council and NSW Police to address the concerns of nearby residents as they arise;
- (viii) residents are continuing to report ongoing issues with regard to the behaviour of people staying in backpacker hostels in Kings Cross/Potts Point; and

- (ix) residents also report that, since the 2014 introduction of lock-out laws, the socialising patterns of people staying in backpacker hostels in Kings Cross/Potts Point appear to have changed, notably Springfield Gardens is now being used as a late night gathering place; and
- (B) Council request the Chief Executive Officer to undertake an evaluation, in consultation with NSW Police, community and backpacker operator representatives, of public spaces in Kings Cross/Potts Point, aimed at identifying what improvements could be made to the design of those public spaces to discourage noisy, late-night congregations of people.

Foreshadowed motion. Councillor Green foreshadowed that, should Councillor Forster's motion be lost, she would move an alternative motion.

Councillor Forster's motion was lost on the following show of hands –

Ayes (2) Councillors Forster and Vithoukias

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

Motion lost.

Councillor Green then moved her foreshadowed motion, seconded by Councillor Forster, as follows:

It is resolved that:

(A) Council note:

- (i) on 26 October 2015, Council resolved that the Lord Mayor write to the State Government requesting legislative amendments to address issues arising from 'unregulated backpacker accommodation';
- (ii) on 11 November 2015, the Lord Mayor wrote to the Minister for Innovation and Better Regulation, Victor Dominello, and the Minister for Planning, Rob Stokes, requesting legislative amendments to address backpacker accommodation providers operating on old development consents without conditions about Plans of Management, the safety of guests and anti-social behaviour;
- (iii) the Lord Mayor, Councillor Jenny Green and a number of residents met with Minister Dominello on 14 December 2015 to discuss options for reform, including a single piece of legislation that would regulate all forms of commercial share accommodation through the expansion of the Boarding Houses Act 2012;
- (iv) the Minister is considering the City's request as part of a broader review of the Boarding Houses Act and the drafting of legislation that will be released later this year;
- (v) residents continue to report problems with the behaviour of people staying in backpacker hostels in Kings Cross/Potts Point and with the backpacker antisocial behaviour in the immediate vicinity of hostels;
- (vi) Kings Cross Police:

- (a) engage a police community liaison officer and hold regular meetings with hostel owners and the community to address residents' concerns;
  - (b) have issued noise abatement orders to different hostels in the last year;
  - (c) have requested hostel owners with private CCTV in front of their premises to review footage to encourage owners to address antisocial backpacker behaviour occurring in front of their hostels; and
  - (d) have requested some backpacker operators to close their backyards earlier, ban alcohol from the premises and take responsibility for guests congregating on the street immediately outside their hostels, with limited response to these requests;
- (vii) one hostel owner hired a security guard for two to three weeks, to manage backpacker antisocial behaviour, which significantly helped address problems;
- (viii) since 2013, City staff have held meetings with backpacker operators in Kings Cross to encourage compliance and responsible management, and met with residents to hear their concerns;
- (ix) in response to antisocial behaviour, drug dealing and drug use on Butler Stairs, in 2014 lighting was increased at the request of Councillor Green and in 2015 Councillor Green requested City staff and Kings Cross Police to investigate the installation of CCTV on the stairs;
- (x) lighting in streets where hostels are located and in Springfield Gardens meets Australian standards;
- (xi) backpackers congregate in Springfield Gardens which has three backpacker premises fronting onto it and impacts will not be resolved by redesigning planter beds; and
- (xii) backpacker and antisocial behaviour in public spaces generally occurs between 10pm and 1am, prior to the lockout time and within a short walk of multiple licensed premises; and
- (B) Council request the Chief Executive Officer:
- (i) proceed with installing and trialling CCTV on the Butler Stairs, subject to public consultation;
  - (ii) liaise with Kings Cross Police and hostel owners with a view to encouraging hostel owners to jointly hire a security guard to control antisocial backpacker behaviour within the hostels and immediately outside the hostels;
  - (iii) continue to liaise with Kings Cross Police regarding the management of backpacker antisocial behaviour; and
  - (iv) continue work to balance the needs of backpacker hostel operators and local residents, and advocate for backpacker regulation reform.

Carried unanimously.

**Extension of Time**

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

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

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

Carried.

At 8.35pm the meeting concluded.

Chair of a meeting of the Council of the City  
of Sydney held on 16 May 2016 at which  
meeting the signature herein was subscribed.