

# COUNCIL

Meeting No 5  
Monday 27 June 2016  
Notice No 5/1574  
Notice Date 23 June 2016

*minutes*

*city of villages*

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### PRESENT

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

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

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

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

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

### Opening Prayer

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

### **Apologies**

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

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

That the apology from Councillor Doutney 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 16 May 2016, as circulated to Councillors, be confirmed.

Carried unanimously.

## **ITEM 2 DISCLOSURES OF INTEREST**

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

Councillor Linda Scott disclosed less than significant, non-pecuniary interests in the following items on the agenda:

- Item 6.18, in that she works at the University of Sydney, which was consulted about the Tech Startups Action Plan, but does not work in an area related to Tech Startups.
- Items 8.2 and 8.5, due to the involvement of her employer, the University of Sydney, in the following ways:
  - Item 8.2, the University of Sydney's Faculty of Architecture, Design and Planning is a supporting partner of the Affordable Housing Conference 2016, however, this particular Faculty does not relate to her work at the University; and
  - Item 8.5, the University of Sydney's Glebe Community Development Project has been recommended for an accommodation grant, however, this does not relate to her work at the University.

Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 6.16 on the agenda in that, in 2003, he attended an Asialink Business leadership course.

Councillor Angela Vithoukas disclosed a less than significant, non-pecuniary interest in Item 9.2 on the agenda, in that she owns a business on George Street, just down from Barrack Street.

Councillor John Mant disclosed a less than significant, non-pecuniary interest in Item 9.16 on the agenda, in that his grand-daughter attends Sydney Girls High School.

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 SUPPORT FOR THE LGBTI COMMUNITY****FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

On Monday 13 June 2016, many of us awoke to the news reports of an horrific mass shooting in an Orlando, Florida Nightclub. Updates to this shocking news revealed that the nightclub, Pulse, had long been a safe haven for the LGBTI community.

Many of Pulse's patrons were seriously injured and 49 people lost their lives. Many were young gay men. While some attempted to ignore the fact that this was an attack on the LGBTI community, I have not. This was an act motivated by extreme anti-gay prejudice, as well as a shocking case of terrorism.

I asked for the Rainbow Flag flown over the Town Hall, initially at half mast, and for the Town Hall to be lit pink to show the City's solidarity with our LGBTI community and LGBTI people everywhere. The following day our staff arranged for condolence books to sign and over the past two weeks many people have left messages of sorrow and solidarity. These books were also available for people attending the recent Aurora Ball to sign.

I recently received a letter from Trevor Ashley, one of Sydney's leading performers, producers and directors, seeking the City's support to hold a benefit for "the victims of the shooting and their families, and as a gesture of love and solidarity from Sydney to Orlando." Mr Ashley's letter is attached to this Minute. This event is being held in conjunction with ACON.

All proceeds from the benefit will be donated to the Equality Florida Pulse Victims Fund, a fund established by Equality Florida, Florida's leading LGBTI civil rights organisation and will be managed by the Equality Florida Institute. Information about the management of these funds, including the Orlando Victims Fund Transparency Statement, is available on Equality Florida's website, at [www.eqfl.org/transparent](http://www.eqfl.org/transparent). The Equality Florida Institute is partnering with National Center for Victims of Crime to oversee the distribution of funds, which will be directed towards healthcare, counselling and support services.

Mr Ashley has a strong record in producing such events, including five annual World AIDS Day concerts for ACON. He will be assisted by a committee of experienced producers and has already secured the interest of several of Australia's leading stage and television performers. He has also obtained guarantees of free advertising, ticket and accommodation services. A similar event will be held in Melbourne on 9 July 2016 and has already sold out.

Mr Ashley proposes staging the Sydney event in the Town Hall on Monday 11 July 2016 and is expecting a similar response. I propose that the City support this event by providing the Town Hall as the concert's venue under the Venue Support Grants and Sponsorship Program, providing a grant of up to \$5,000 cash towards the production and associated in-house costs for this event, and providing marketing and publicity support.

The response of Australia's show business community mirrors the response overseas, with performers and entertainers taking part in numerous fundraising activities. This heartfelt response was evident within a few hours of the horrific events in Orlando at the annual Tony Awards Ceremony in New York.

Of all the words that have been spoken and written in the past fortnight about this horrific act, perhaps the simplest and most powerful words were those of Lin-Manuel Miranda: "Love cannot be killed or swept aside. Love is love, is love, is love, is love. Fill the world with music, love and pride."

I am proud that this Council has endorsed this simple sentiment several times by its unanimous support for marriage equality, most recently on 29 February 2016. Being prepared to stand for equality and human rights and stand with our LGBTI community is crucial in a world where anti-gay hatred and prejudice still exists and can provide the motivation for the most horrific acts against LGBTI people.

There is a serious risk that anti-gay hatred and prejudice will be given a public platform if the newly elected Australian Parliament decides to proceed with a costly and potentially divisive plebiscite.

We are already aware of hateful comments being made about LGBTI people and same-sex couples by people opposed to marriage equality. There have also been attempts to intimidate supporters of marriage equality in the corporate sector by threatening boycotts. It is encouraging that our corporate leaders have resisted this intimidation and we should support them in doing so.

Council has previously opposed holding a plebiscite, calling upon Parliament to legislate to amend the Marriage Act to enable same sex couples to marry and to ensure that same sex marriages solemnised overseas are recognised in Australia.

In the event that that the Commonwealth Government proceeds with a plebiscite, Council:

- unanimously requested that the legislation enabling the plebiscite sets out the amendments to the Marriage Act 1961 which would allow same-sex marriage, with these amendments automatically becoming law if supported by a majority formal vote; and
- agreed to work with organisations supporting marriage equality in promoting the case for same-sex marriage.

If a plebiscite on same-sex marriage is to proceed, it is highly possible it could be held before the end of the year. Even if Parliament instead decides to debate and vote on same-sex marriage, a strong community campaign in support of change will be essential.

Australian Marriage Equality (AME), the community based organisation which has campaigned for equal marriage rights for over 10 years, has requested office space and a temporary shopfront to support an effective campaign for a strong vote in support of marriage equality. These premises would be used to accommodate staff and volunteers and would be shared with other organisations also involved in the equality campaign. The shopfront will provide a visible presence for the campaign on Oxford Street and will be used to promote awareness, engage volunteers and other campaign tasks.

Physical office space will be critical to a successful campaign, given AME will be required to play a leading role in informing, engaging and educating the Australian community about marriage equality and coordinating the various organisations expected to be involved. A pop up shop on Oxford Street would enable AME to engage with the community, raise money and sign up volunteers.



The City of Sydney Local Government Area (LGA) has provided the base for much of AME's campaign and many of its staff, volunteers, members and supporters live here. The Sydney LGA also has high number of same-sex couples and one of Australia's largest LGBTI communities.

The Chief Executive Officer has informed me that the City has suitable office space with existing fitout and furniture available on level 10, 307 Pitt Street, Sydney, with a monthly market rent of \$5,661.67, plus GST, and a shop front at 122 Oxford Street, Darlinghurst, at a monthly rent of \$3,529.17, plus GST.

I propose that the Pitt Street office space be provided to Australian Marriage Equality for the period 15 July 2016 to 30 November 2016 with a 100 per cent Accommodation Grant of \$36,800, plus GST, and the Oxford Street shopfront be provided to Australian Marriage Equality for the period 1 August 2016 to 30 November 2016 with a 100 per cent Accommodation Grant of \$14,120, plus GST.

Australian Marriage Equality shall be responsible for any additional fit out of the office space and furnishing the premises at its own expense and for all outgoings.

I also recommend that the City's rainbow banners be flown in Oxford Street at every opportunity in support of the LGBTI community.

#### RECOMMENDATION

It is resolved that:

- (A) Council stand for one minute's silence to honour the lives of the 49 people killed in the attack on the Pulse Nightclub, Orlando, Florida on Sunday 12 June, 2016;
- (B) Council request the Lord Mayor write to the Mayor of the City of Orlando to express Council's condolences in relation to the tragic events at the LGBTI nightclub, Pulse, on 12 June 2016 and express our support for the Orlando LGBTI community during this time of grief;
- (C) Council stand in solidarity with and support LGBTI people everywhere;
- (D) Council condemn anti-gay hatred and prejudice wherever and whenever it is expressed;
- (E) Council commend Trevor Ashley and ACON for organising "From Sydney With Love – A Concert for Orlando", with the proceeds of the concert being donated to Equality Florida Pulse Victims Fund, and in support of this event the City will:
  - (i) provide value-in-kind sponsorship of the event to ACON not exceeding \$20,000 (ex-GST), for venue hire fees for the Town Hall as the concert's venue;
  - (ii) provide a cash grant of up to \$5,000 (ex-GST) to ACON towards production costs for the event;
  - (iii) delegate authority to the Chief Executive Officer to enter into an agreement with ACON for this sponsorship; and
  - (iv) promote the event through the City's communications and marketing mechanisms;

- (F) noting that Orlando is a reminder of the need to be vigilant about the safety and welfare of LGBTI residents and businesses in the City of Sydney and to oppose homophobic prejudice and hatred wherever it exists, Council request the Chief Executive Officer to:
- (i) work with NSW Police in providing assistance where needed to ensure the safety of LGBTI people and businesses and to protect the City's iconic LGBTI landmarks and areas; and
  - (ii) continue the City's excellent work with the LGBTI community and its organisations in opposing homophobia and the hatred and prejudice it causes;
- (G) Council reaffirm its support for marriage equality for all Australians;
- (H) Council call upon the 44th Commonwealth Parliament not to proceed with a divisive and costly plebiscite on same-sex marriage and instead amend the Marriage Act to enable same sex couples to marry and to ensure that same sex marriages solemnised overseas are recognised in Australia, with these amendments to be enacted within 30 days of its first sitting;
- (I) Council commend Australia's corporate supporters of marriage equality for remaining steadfast in the face of attempts to intimidate them in abandoning this support;
- (J) Council request the Lord Mayor to work with Australian Marriage Equality to thank corporate leaders for their support of marriage equality;
- (K) recognising the possibility of Parliament nonetheless proceeding with a plebiscite, Council:
- (i) reaffirm its request that the legislation enabling the plebiscite sets out the amendments to the Marriage Act 1961 which would allow same-sex marriage, with these amendments automatically becoming law if supported by a majority formal vote; and
  - (ii) work with organisations supporting marriage equality in promoting the case for same-sex marriage;
- (L) Council provide an Accommodation Grant valued at \$36,800, plus GST, for a furnished and fitted out office space on Level 10, 307 Pitt Street, Sydney for the period 15 July 2016 to 30 November 2016;
- (M) Council provide an Accommodation Grant valued at \$14,120, plus GST, for a retail space at 122 Oxford Street, Darlinghurst for the period 1 August 2016 to 30 November 2016, to Australian Marriage Equality;
- (N) authority be delegated to the Chief Executive Officer to enter into an agreement with Australian Marriage Equality for the use of these premises; and
- (O) Council request the Chief Executive Officer to arrange the City's rainbow banners to be flown in Oxford Street at every available opportunity.

COUNCILLOR CLOVER MOORE

Lord Mayor

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

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

Amendment. Moved by Councillor Scott –

That the motion be amended by the addition of Clause (F)(iii) as follows:

- (iii) conduct an audit of the adequacy of lighting throughout the City;

Variation. Following discussion, at the request of Councillor Scott, and by consent, the motion was varied by the addition of Clause (F)(iii) to now read as follows:

- (iii) seek feedback from the LGBTI community and its organisations on any concerns they have about lighting in key places in the city;

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

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

### **ITEM 3.2. I STAND WITH THE ARTS**

**FILE NO: S051491**

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

##### To Council:

A National Day of Action on Friday 20 June kick-started the beginning of a two week campaign in support of Australia's arts and cultural life.

The campaign enjoys the strong support of artists, performers, arts philanthropists, audiences and our arts and cultural organisations who have publicly declared "I stand with the arts". Over the past week, it has succeeded in raising awareness through media articles, social media, an online petition, curtain call speeches at the end of live theatre performances and an "Art changes lives" postcard distributed through galleries and other cultural venues.

I strongly support the campaign and have asked that the "Art changes lives" postcard be made available through the City's libraries and cultural centres.

The "I stand with the arts" campaign has been a necessary response to the capricious, damaging and disruptive treatment of the arts and Australian cultural life by the current Federal Government, despite frequently professing its support.

In August 2014, the Australia Council launched its 2014-2019 Strategic Plan, *A Culturally Ambitious Nation*. The plan included a commitment "to make longer term funding available to arts organisations to give them the security to plan ahead." At the Plan's launch, the then Minister for the Arts, Senator George Brandis, said it had "an emphatic endorsement by the Australian Government".

The Australia Council proceeded to implement its plan, inviting arts organisations to submit expressions of interest for new six year funding by 31 March 2015. Many arts organisations across Australia devoted considerable time and resources to respond to this invitation.

*In May 2015, the Australia Council received only a few hours' notice before major cuts to its budget were announced in the 2015-2016 Commonwealth budget. These cuts included transferring \$107.4 million from the Australia Council to the Arts Ministry over four years. The Australia Council's budget for 2015-2016 was reduced to \$187.3M from \$227M in 2013-14, the last budget of the previous government.*

The funds transferred to the Ministry of the Arts were to be directed to the yet to be established "National Program for Excellence in the Arts" (NPEA), with the Minister making the funding decisions, rather than the independent arms-length Australia Council. There was little detail explaining what NPEA would fund, how funding decisions would be made or whether they would be made public.

The Minister directed that "there will be no reduction in the Australia Council's funding to the 28 major performing arts companies as a result of this initiative". This directive meant that 57.5 percent of the Australia Council's budget was quarantined to support organisations such as Opera Australia and the Australian Ballet. It also meant that \$79.6 million was available to fund individual artists, compared to \$123.9 million in 2013-2014. The Australia Council responded by cancelling its planned June 2015 funding round and suspending the six year funding program, subsequently replacing it with four year funding. Organisations had to then reapply for the new four year program.

In forcing these decisions on the Australia Council, the government failed to recognise the vital role of the small-to-medium sector in developing new talent, providing opportunities for new work, in being willing to take the arts to regional centres and ensuring our cultural life is constantly replenished.

In its submission to the Senate inquiry set up to examine arts funding, one arts organisation wrote:

*"This single government decision [the cut to the Australia Council budget] has introduced a climate of confusion, instability, frustration, anger and conflict within the sector at a time when the Australia Council was introducing plans for a long term solution for Australian arts organizations stability and long term planning."*

Following the change of Arts Minister in September 2015, NPEA was renamed "Catalyst" and \$32 million would be returned to the Australia Council over four years.

The full impact of the Government's arts funding decisions was revealed in May 2016 when the recipients of the four year Australia Council funding was announced. Of the 262 small-to-medium arts organisations who applied, 128 were successful. The 128 unsuccessful applicants included over 60 well-established organisations. While no competitive funding program is able to fund every application, the Australia Council has never previously defunded existing organisations at this scale.

Three organisations based in the City of Sydney were among those who lost their funding: the Australian Design Centre, based in City-owned premises in William Street and anchor of the William Street creative hub; Force Majeure, an award winning contemporary dance company based at Carriageworks, and PACT Centre for Contemporary Artists based in City-owned premises in Erskineville.

Five artform peak bodies have also lost their funding: Ausdance, Music Australia, Regional Arts Australia, the Australian Society of Authors and the National Association for the Visual Arts (NAVA). These organisations represent, advocate for and provide services to represent and campaign on behalf ordinary artists such as dancers and choreographers, musicians and composers, writers and authors, visual artists and curators working at the grassroots. Several had also been critical of the changes to arts funding.

Forty-three new organisations received Australia Council funding, including the Hayes Theatre based in City-owned premises in Potts Point.

In May, the ArtsHub website reported that the Government had quietly announced \$23 million in Catalyst funding, \$11 million more than had been forecast for 2016-2017. This included grants to seven of the 28 major performing arts organisations quarantined from the Australia Council cuts.

The impact of budget cuts and efficiency dividends extends to other areas of Australia's cultural and intellectual life. For example, the National Library of Australia has been forced to stop development of Trove, Australia's internationally recognised online archive, launched in 2009. Described as a collection of collections, Trove has digitised close to 374.5 million books, articles, images, historic newspapers, maps and music held by other libraries and archives, making them publicly available on line.

The reduction on Commonwealth arts funding will inevitably result in the small- to-medium arts sector looking to the City.

*The City already supports numerous small-to-medium contemporary arts organisations, as well as individual artists through its Accommodation Grants, Creative Spaces and Live/Work programs.*

In 2014/15, the City made a value-in-kind contribution estimated at \$1,560,808 in the provision of access to affordable space, and \$5,377,434 in grants and sponsorships. On 20 June, Council's Cultural and Community Committee agreed to provide 100 per cent rental subsidy to PACT Theatre and cash sponsorship of \$15,000 to NAVA to undertake research into the small-to-medium Visual Arts Sector. Apart from providing valuable information to the City, this research will help NAVA demonstrate the cultural and economic value of this sector to other levels of government.

The uncertainty and disruption caused by these decisions has had one positive outcome. It has brought Australia's often fragmented arts and cultural sector together and created a greater sense of unity. This is being seen in larger arts organisations being willing to help smaller groups, arts organisations joining together in advocacy and new alliances being formed. Arts workers have also come together to develop a National Charter for the Arts with a set of draft principles for further discussion. The seven draft principles are:

1. *The arts provide both economic and social benefits to society.*
2. *All Australians have the right to access and participate in the arts.*
3. *Ongoing financial support is fundamental to sustaining the arts into future generations.*
4. *A vibrant arts sector is the responsibility of individual artists, organisations and communities. Without sufficient public funding for individual artists, small-to-medium arts organisations and regional and community arts organisations, the vitality and wellbeing of the whole sector is impacted.*

5. *The arts must be guaranteed public funding, that is distributed at arm's length from the government of the day. This funding model best enables new ideas, practices and fields to emerge.*
6. *The arts should serve and be responsive to the specific cultural needs of local, regional and remote communities while existing within national and international contexts.*
7. *The arts sector plays an indispensable role in nurturing a wider democratic and humane society. The arts offer a voice to the marginalised and disenfranchised, allowing for creativity, reflection and critique by all participants.*

#### RECOMMENDATION

It is resolved that Council:

- (A) affirm that the City of Sydney stands with the arts;
- (B) request the incoming government to:
  - (i) restore Australia Council funding to at least the pre-2015-2016 budget level, so as to ensure it can fully implement its 2014-2019 Strategic Plan, *A Culturally Ambitious Nation*, as emphatically endorsed by the former Minister for the Arts on behalf of the government in August 2014; and
  - (ii) reverse the cuts and efficiency dividends imposed on Australia's cultural institutions so that their vital contribution to Australia's cultural and intellectual life is not further damaged;
- (C) commend the Australian arts community on holding a National Day of Action for the Arts and its "I stand with the arts" campaign; and
- (D) endorse the seven draft principles of the proposed Australian Charter for the Arts for further discussion and development.

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 3.3. REVITALISATION OF OXFORD STREET****FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

I recently met with residents and businesses in Paddington to find a sensible, long term solution for parking in Area 15.

Residents were concerned the parking changes agreed in March by the Local Pedestrian Cycling and Traffic Calming Committee (LPCTCC), from 2P to 4P on Greens Road, were affecting their ability to park because visitors and students were taking advantage of the longer time limits.

Businesses had welcomed the 4P parking changes for the purpose of attracting visitors to patron local cafés, the cinema and shops. However, there was recognition that better compliance and parking enforcement was required to prevent visitors from overstaying the prescribed limit on Greens Road, particularly for those attending local sporting events.

Paid parking in other areas of the Local Government Area has shown to improve compliance and has increased parking vacancy rates. It was agreed at the meeting that the City would undertake an occupancy demand survey to see if paid parking would help the situation on Greens Road.

The residents and businesses I met with also agreed that two of the biggest impediments to Oxford Street's future are the NSW Government's clearway and the traffic speed limit. We agreed to work together to reactivate the campaign to call upon the Government to reduce the speed on Oxford Street to 40km per hour and to remove the clearway.

Research and community consultation with residents and businesses by both the City of Sydney and Woollahra Council, over many years, has identified removing the clearway as an essential part of revitalising Oxford Street.

The Paddington Business Partnership and resident groups have long supported its removal and a trial a few years back, of reduced clearway hours, commencing at 4pm rather than 3pm, caused no traffic problems.

The clearways currently operate during peak periods from 6am-10am in the westbound direction and 4pm-7pm in the eastbound direction.

The clearways remove kerbside parking at a time when there are many people in the area who may wish to shop, eat or spend time on Oxford Street. Fast moving cars and buses create a hostile environment for pedestrians and reduce the likelihood of the large number of commuters walking along Oxford Street choosing to stop at one of the many cafés and shops.

Speeding vehicles also impact significantly on safety and amenity. There is a 40km/h speed limit zone in central Sydney and in many areas surrounding Oxford Street.

As Lord Mayor and formerly the Member for Bligh/Sydney, I repeatedly asked the Government to remove the clearway. Most recently in 2014, I joined State MP for Sydney Alex Greenwich and Woollahra Mayor Toni Zeltzer to again ask the Government to remove the clearways and to reduce the speed.

Unfortunately, despite the fact that all these calls for changes to the road rules are strongly backed by businesses on the street, the NSW Government refuses to act.

The opening of the Eastern Distributor in 1999 provided an alternative road that would direct traffic away from Oxford Street. The change provided the then NSW Labor Government with the opportunity to remove the clearway on Oxford Street. It was not taken.

Most recently, in a letter to me outlining why he didn't support the changes in October 2014, Roads Minister Duncan Gay MP said that Oxford Street was "*an important State Road link between the City and the Eastern suburbs.*" He expressed concern that it was already operating above capacity and causing significant delays for roads users.

In that letter, the Minister indicated that RMS would be undertaking an independent strategic review of the corridor, with input from the City, within this financial year. A proposal to move the bus lane in the centre of Oxford Street and longer term options, including bus rapid transit connecting the CBD to Bondi Beach, were to be included within that review.

Moving the bus lane to the centre of Elizabeth and Castlereagh Streets, as part of the Sydney City Centre Bus Plan in October last year, had a marked improvement on pedestrian safety and amenity within the CBD.

To date, the City has still not received any information from the RMS about the independent strategic review and we are urgently seeking further information about other plans announced by the Government to introduce a new, rapid bus transit system on Oxford Street linking Bondi Beach to the CBD and other changes to the bus network. It is believed these proposals will be outlined as part of the update of the Long Term Transport Master Plan and the Greater Sydney Commission District Plans.

It is very disappointing that the NSW Government continues to prioritise Oxford Street as nothing more than a thoroughfare for traffic moving in and out of the Eastern suburbs.

It is a view that I strongly reject. I believe Oxford Street is one of our most important main streets with plenty going for it - creative businesses, the National Art School and the College of Fine Arts, Notre Dame University, Paddington Town Hall precinct, St Vincent's Hospital, the Courts and the historic Army Barracks, cafés, cinemas, bookstores, secret gardens in the Paddington Reservoir Gardens, Saturday markets and popular day spas.

The City has invested around \$42 million to improve Oxford Street since 2006, including upgrading footpaths, installing new lighting and providing new seating for property upgrades, public art and landscaping and to support Mardi Gras.

In the last six years, we've provided grants worth \$229,750 to the Darlinghurst Business Partnership and \$202,000 to the Paddington Chamber of Commerce and worked with them to promote Oxford Street as a key strip for retail, fashion and dining. Staff are currently reviewing the Business Support Policy to better ensure it better meets the needs of all our business chambers and associations.



To encourage the growing creative industry and a more vibrant day time economy on Oxford Street, the City provided our own properties as affordable work spaces to over 150 artists and creative entrepreneurs.

Since the program began, these tenants have attracted more than 79,000 visitors to the area and held 585 events including artist talks, workshops or masterclasses, VIP customer nights, industry gatherings, exhibition opening nights and meet-ups.

These tenants are eating and shopping locally and, since the program began, they've spent about \$2.2 million on local goods and services. This works out to be around \$47,000 per month of new money brought into the precinct.

The City has also secured new commercial tenancies, negotiated long term leases and cleaned and resealed 8,100sqm of footpath space. We created and have activated Paddington Reservoir Gardens and developed resources and tools to work with private property owners and to encourage them to activate their street frontages.

Our work is transforming the section of Oxford Street that we have responsibility for, so much so, in 2014 a major property owner on the strip called for the whole street to be handed over to the City of Sydney to manage.

Two years later and Oxford Street remains under the care of two local government authorities. I am committed to continuing to work with Woollahra Council to support business activation on Oxford Street which has struggled since the Street became book-ended with Westfield shopping developments as well as the rise of online shopping.

Worryingly, it was reported on the weekend that the home of the National Art School, the historic former Darlinghurst jail, has been transferred from the Department of Education to the control of Property NSW, raising the possibility it could be put up for sale. Identifying State-owned property for sale is one of the key functions of Property NSW.

The school has been in the area for decades and significantly contributes to the area's identity as a cultural hub.

I have long supported retaining the National Art School as an independent institution with its studio-based learning model. Diversity of educational approaches in the arts is vital to encourage creativity and initiative. I am opposed to the National Art School being subsumed into a large institution, with the community losing a unique approach to learning and the arts.

Such a step would mean losing an institution that has nurtured many famous Australian artists and sculptors, and a school with a history linked to the early Arts and Mechanics Institutes in Sydney.

If the property were sold and the Art School lost from the area, it would be a shocking and debilitating loss not only for Oxford Street, but also the cultural life of our city. I call on the NSW Government to rule this out.

The NSW Government has responsibility for the solutions that will trigger the biggest changes on Oxford Street and I call on them to listen and respond to both business and residents. The current clearway and speed limit on Oxford Street do not deliver a balanced solution. They prioritise fast traffic movements over parking, pedestrian safety and amenity, and the needs of local businesses. This must change.

RECOMMENDATION

It is resolved that Council:

- (A) support businesses and residents in their campaign calling for changes to the road rules on Oxford Street, and ask the Lord Mayor to write to the NSW Minister for Roads and Freight, Duncan Gay, requesting:
  - (i) the Roads and Maritime Service (RMS) remove the clearways on Oxford Street and reconsider introducing a 40km/h speed limit on Oxford Street;
  - (ii) the RMS resolve to undertake an independent strategic review of the corridor, with input from the City of Sydney and Woollahra Council, to investigate relocating the existing bus lane to a centre lane; and
  - (iii) information be provided about the Government's plans to change the bus network on Oxford street, including introducing a rapid bus transit system to link Bondi Beach to the CBD; and
- (B) strongly oppose any move by the NSW Government to sell the home of the National Art School.

COUNCILLOR CLOVER MOORE  
Lord Mayor

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

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

Carried unanimously.

**ITEM 4.1 MEMBERSHIP OF THE CHINESE NEW YEAR ADVISORY PANEL****FILE NO: X003940.001****MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER**To Council:

In 2000, the City introduced the Chinatown Cultural Advisory Committee to assist with advice on matters pertaining to Chinatown, and the Chinese New Year Festival Subcommittee to assist with the 2001 Festival.

In 2007, the Chinatown Cultural Advisory Committee and Chinese New Year Festival Subcommittee were dissolved and the Chinese New Year Festival Advisory Group established. The advisory group was appointed to provide advice on cultural aspects of the Festival and provide practical assistance with the development of the Festival. Membership of the group was drawn from Chinese community groups, cultural organisations, business groups and sporting associations.

On 27 April 2015, Council agreed to the formation of a new advisory group, the Chinese New Year Advisory Panel, adopted a revised Terms of Reference and appointed Councillor Robert Kok as Chair of the Panel (the term of office of the current Chair will expire on 10 September 2016).

The Chinese New Year Advisory Panel is appointed annually by Council on recommendation from the CEO for a one year term and consists of up to 10 members from:

- Government organisations representing culture, arts, tourism and hospitality
- Industry bodies representing business, retail, tourism and hospitality sectors
- Arts, Culture and Creative industries
- Community organisations

Members of the Chinese New Year Advisory Panel for the current term were appointed by Council on 29 June 2015. Appointment of members for a new one year term is now required.

An Expression of Interest for 2016/17 membership was advertised on 5 May and closed on 20 May. Applications from 18 respondents were assessed against the criteria outlined in the Terms of Reference by a panel made up of Kate Murray, Manager City Business and Safety; Stephen Gilby, Acting Creative Director – Events; and Michelle Bell, Program Manager - Events.

Seven panel members from the 2015/16 Panel reapplied for membership, and are recommended for reappointment, leaving three places to fill. To ensure an even membership spread across the four key sectors outlined in the Terms of Reference, the following three applicants are recommended to Council for appointment, with a further two applicants noted as preferred candidates in the event existing members resign during the membership year.

**Bing Liu**

Bing has an extensive employment history working with the Australian Trade Commission. Bing has been posted to numerous China-based offices including Beijing, Guangzhou and Shanghai. Bing is currently based in Sydney and provides advice on all China-related affairs to Austrade Executives, Australian companies and organisations in the area of trade, investment, education and tourism.

**Andrea Myles**

Andrea held the position of CEO for the 1,000 strong member-based body, the Australia China Business Council, a business organisation dedicated to promoting business and trade between Australia and the People's Republic of China. Andrea co-founded the China Australia Millennial Project to connect emerging young leaders from both China and Australia via a world first incubator and social change program. In 2014, Andrea was named one of Australia's 100 Most Influential Women by Westpac and the Australian Financial Review.

**Mikala Tai**

Mikala is the Director at 4A Centre for Contemporary Art and is currently undertaking a PhD in Contemporary Chinese Art through UNSW. Mikala is the founder and ongoing Creative Advisor of Australia's first contemporary Graphic Art Fair, Supergraph, which was created to provide a platform for both leading and emerging graphic art talent both locally and internationally. Mikala has worked within the arts and culture sphere across platforms including lecturer, advisor, curator, project manager and programmer.

The following seven applicants (current Panel members) are recommended to Council for re-appointment.

**Yael Bradbury**

Yael is the Head of Marketing at Sydney Airport, a sponsor of the Chinese New Year Festival for the past three years. Yael brings Sydney Airport's marketing channels, including a media buy, to promote the activities taking place during the Festival period and ensure passengers have a seamless experience that is distinctly Sydney.

**Simon Chan**

Simon is an architect and Director of gallery Art Atrium. He is the President of Haymarket Chamber of Commerce, a board member of VisAsia, and Director and Treasurer of the Aboriginal Benefits Foundation. He is a past Vice President of Australian Chinese Community Association and a former committee member of Chinese Australian Forum.

**Xin Janet Ge**

Dr Ge is a senior lecturer at the University of Technology Sydney in the School of the Built Environment. Her focus is on house price modelling and housing affordability. She is conducting research projects on the relationship of improvement in rail infrastructure and dwelling prices in Sydney, and ethnic changes and house prices in Sydney suburbs. She has been involved with the development of the Australian Chinese Workers Association (ACWA).

**Dr Tony Goh**

Dr Goh is the Chair of the Australian Council of Chinese Organisations (AUSCOCO) and was a member of the Chinese New Year Festival Advisory Group from 2010 to 2015. He is a highly respected member of the community with excellent contacts within Chinese community and business circles as well as the Chinese Consulate.

**Philipp Ivanov**

Philipp is CEO of the Asia Society Australia, a branch of a global non-profit organisation dedicated to forging closer ties between Asia and the West. He was previously Manager of the Australia-China Council at the Department of Foreign Affairs and Trade, where he was one of the principal authors of the Australia in the Asian Century - China Country Strategy.

**Xing Jin**

Xing has been the Director of the University of Sydney Confucius Institute since 2009. She was the Multicultural Marketing Manager at Sydney Symphony from 2000 to 2007. She has a broad network of cultural contacts in Australia and overseas. She designs and delivers Chinese Culture Awareness and Business Etiquette training and advises large Australian companies on maximising engagement with local Chinese customers and businesses.

**Patricia Quah**

Patricia is a past President and current Honorary Advisor of Chinese Youth League, and was a member of the Chinese New Year Festival Advisory Group from 2010 until 2015. She is very active within the Chinese community and has extensive cultural knowledge on the significance of Lunar New Year celebrations.

The following two applicants are recommended to Council as preferred candidates in the event a Panel position becomes vacant during the course of the new membership term.

**Jeffrey Riegel**

Jeffrey is Director of the China Studies Centre. He holds a PhD in Chinese Language and Culture from Stanford University and held a 28 year term as professor of Chinese at the University of California, Berkley. Jeffrey is author of numerous books and scholarly articles on Chinese philosophy, literature, archaeology, and other aspects of traditional Chinese culture. He divides his time between his main residence in Sydney and homes in Suzhou and Siem Reap.

**Sonya Suh**

Sonya is an active member of the Sydney Korean community. Her role with the Korea Cultural Centre helped make possible the Chajeonnori display that featured as pre-parade programming in the 2015 Twilight Parade. Sonya is currently studying a Masters of Applied Linguistics through Macquarie University.

**Terms of Reference**

In accordance with the relevant provisions of the Terms of Reference of the Chinese New Year Advisory Panel, a review of the Terms of Reference has now been completed. No changes are recommended. The next review date is 1 April 2017.

RECOMMENDATION

It is resolved that:

- (A) Council appoint Yael Bradbury, Simon Chan, Xin Janet Ge, Dr Tony Goh, Philipp Ivanov, Xing Jin and Patricia Quah as members of the Chinese New Year Advisory Panel for a second one year term, effective from 27 June 2016;
- (B) Council appoint Bing Liu, Andrea Myles and Mikala Tai as members of the Chinese New Year Advisory Panel for an initial one year term, effective from 27 June 2016;
- (C) authority be delegated to the CEO to appoint Jeffrey Riegel and/or Sonya Suh as replacement members of the Chinese New Year Advisory Panel, in the event of a vacancy in membership occurring during the new one year term; and
- (D) Council note that, following completion of a review of the current Terms of Reference of the Chinese New Year Advisory Panel, no changes are recommended.

MONICA BARONE  
Chief Executive Officer

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

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

Carried unanimously.

**ITEM 5 MATTERS FOR TABLING****5.1 Disclosures of Interest**

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

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

Carried.

**5.2 Petitions****PETITION TO CHANGE PARKING RESTRICTIONS IN WILSON STREET DARLINGTON**

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

To the City of Sydney

This petition of the residents of Wilson Street Darlington brings to the attention of Councillors of the City of Sydney a community request to change the on-street parking restrictions on the south side of Wilson Street Darlington. (*between Queen Street and Ivy Street*)

Use of the all-day, unrestricted, free parking along the street by non-residents is now at capacity, both day and night, leaving little to no additional parking space for the ever increasing events calendar of the Carriageworks/North Eveleigh precinct. The precinct incorporates the Saturday Farmers Markets, Carriageworks events and performances and the proposed North Eveleigh residential development.

During any of the precinct's events the current lack of a parking management plan fails the community causing unnecessary traffic congestion and frustration. The proposed change to 8am – 10pm 2 hr parking restrictions, permit holders excepted, would ease this congestion and create a better parking plan for all concerned.

The undersigned petitioners ask the council to:

- Change the parking restrictions on the south side of Wilson Street between Queen Street and Ivy Street from "All Day No Restrictions" to 2 hr parking, 8am – 10pm Monday to Sunday. (Permit Holders Excepted Area 32)

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

It is resolved that the Petition be received and noted.

Carried unanimously.

**ITEM 6 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 20 JUNE 2016**

PRESENT

Councillor Clover Moore  
(Chair)

Councillor Robert Kok  
(Deputy Chair)

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

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

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

**Apologies**

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

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

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

Carried unanimously.

**Closed Meeting**

At 3.00pm, the Corporate, Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss confidential Attachment A to Item 6.10 on the agenda.

**Open Meeting**

At 3.07pm, the Corporate, Finance, Properties and Tenders Committee was reopened to the public.

**Sub-Committee**

The meeting of the Economic Development and Business Sub-Committee, with Councillor Vithoukias as Deputy Chair, commenced at 2.29pm.

The meeting of the Corporate, Finance, Properties and Tenders Committee and its Sub-Committee concluded at 3.09pm.

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 20 June 2016 be received, and the recommendations set out below for Items 6.3, 6.4, 6.6 to 6.9 inclusive and 6.11 to 6.15 inclusive be adopted, with Item 6.1 being noted, and Items 6.2, 6.5 and 6.10 being dealt with as shown immediately following those items.

Carried unanimously.

## **ITEM 6.1**

### **DISCLOSURES OF INTEREST**

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 6.18 on the agenda in that she works at the University of Sydney (a participant in the consultation process), but not in an area related to Tech Startups.

Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 6.16 on the agenda in that, in 2003, he attended an Asialink Business leadership course.

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

The Committee recommended the following:

## **ITEM 6.2**

### **INTEGRATED PLANNING AND REPORTING PROGRAM AND BUDGET 2016/17 – ADOPTION (X002996)**

It is resolved that Council:

- (A) adopt the suite of draft Integrated Planning and Reporting (2016/17) documents as endorsed by Council on 18 May 2015, subject to the minor amendments detailed in Attachment B to the subject report, incorporating:
  - (i) the Operational Plan 2016/17; and
  - (ii) the Resourcing Strategy (2016);
- (B) adopt the draft Operating and Capital Budgets, and future years' forward estimates, reflected in the Operational Plan for 2016/17, subject to the minor amendments detailed in Attachment B to the subject report. The 2016/17 budgets include:
  - (i) Operating Income of \$530.8M, operating expenditure (excluding depreciation) of \$418.4M for an Operating Result of \$112.5M, and a Net Surplus of \$30.6M, after allowing for interest and capital contributions; as well as depreciation, Light Rail contributions and other capital project related costs;

- (ii) Capital Works expenditure of \$298.4M, including a contingency of \$5M;
  - (iii) Plant and Assets (including IT equipment and projects) net expenditure of \$29.2M; and
  - (iv) Net Property Divestments provision of \$18.8M;
- (C) adopt the proposed Rating structure and policies, Domestic Waste Management Charges, Stormwater Charges and User Fees and Charges discussed within the report to the Corporate, Finance, Properties and Tenders Committee on 9 May 2016 and included within the Operational Plan 2016/17, subject to the minor amendments detailed in Attachment B to the subject report; and
- (D) adopt the Schedule of Fees and Charges 2016/17 as endorsed for public exhibition by Council on 16 May 2016, subject to the minor amendments detailed in Attachment B to the subject report.

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

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

Carried unanimously.

### **ITEM 6.3**

#### **INVESTMENTS HELD AS AT 31 MAY 2016 (S034147)**

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

Carried unanimously.

### **ITEM 6.4**

#### **NAMING PROPOSAL - THE GREEN SQUARE COMMUNITY AND CULTURAL PRECINCT - POST EXHIBITION (S123931)**

It is resolved that Council approve the following names for the former South Sydney Hospital Site and buildings:

- (A) Green Square Community and Cultural Precinct (for the entire redevelopment site of the former South Sydney Hospital);
- (B) Joynton Avenue Creative Centre (for the redeveloped nurses' quarters);
- (C) Waranara Early Education Centre (for the redeveloped casualty building); and
- (D) Banga Community Shed (for the redeveloped pathology building).

Carried unanimously.

**ITEM 6.5****NAMING PROPOSAL - NAPOLEON PLAZA (X005053)**

The Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter be deferred to the meeting of Council on 27 June 2016.

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

It is resolved that:

- (A) Council provide in-principle approval to name the public open space located at the south-west corner of Kent Street and Napoleon Street, Sydney "Napoleon Plaza";
- (B) Council approve the public exhibition of the naming proposal for community comment for a period of 28 days; and
- (C) a further report be submitted to Council at the end of the exhibition period.

Carried unanimously.

**ITEM 6.6****LAND CLASSIFICATION CHANGE – 200A GEORGE STREET, SYDNEY (S121300)**

It is resolved that Council classify 200A George Street, Sydney, being Lot 3 in DP 1213767, as operational land in accordance with section 31 of the Local Government Act 1993.

Carried unanimously.

**ITEM 6.7****TENDER - BUILDING WORKS AT 34-42 BOURKE ROAD ALEXANDRIA (S125820)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'C' for building works at 34-42 Bourke Road, Alexandria; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

**ITEM 6.8****TENDER – KING GEORGE V RECREATION CENTRE LOUVRES UPGRADE (S126661)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'B' for the King George V Recreation Centre louvres upgrade; and

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

Carried unanimously.

#### **ITEM 6.9**

##### **EXEMPTION FROM TENDER AND CONTRACT EXTENSION - COMMERCIAL WASTE COLLECTION SERVICES (S072015.034)**

It is resolved that:

- (A) Council approve an exemption from tender for the extension of Commercial Waste Collection Contract because, due to extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
- (B) Council note that the reasons why a satisfactory reason would not be achieved by inviting tenders are:
  - (i) there is insufficient time to have a separate request for tender for a three month period, given the imminent expiry of the current contract period at 30 June 2016; and
  - (ii) the incumbent service provider under the Commercial Waste Collection Contract has provided a quote for the three month period from 1 July 2016 to 30 September 2016 which allows for a minimal increase versus the previous quarter, thus ensuring value for money;
- (C) Council approve the variation of the existing Commercial Waste Collection Contract to provide for the extension of the term by three months and change in the contract value (see confidential Attachment A to the subject report for details); and
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the variation of the Commercial Waste Collection Contract, to provide for the extension of the term by three months expiry date and change in the contract value (see confidential Attachment A for details).

Carried unanimously.

#### **ITEM 6.10**

##### **TENDER - IAN THORPE AQUATIC CENTRE COGENERATION PROJECT - DESIGN AND CONSTRUCT AND OPERATE AND MAINTAIN (X005199)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'E' for the design, construction, operation and maintenance of the Ian Thorpe Aquatic Centre Cogeneration project for a period of two years, with the option of an extension of up to two years;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and

- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the terms of the extension, including but not limited to, any variations to the contract price.

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

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

The motion was carried on the following show of hands –

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

Noes (1) Councillor Mandla.

Motion carried.

#### **ITEM 6.11**

##### **TENDER – PROVISION OF VENUE MANAGEMENT TRAFFIC CONTROL AND LOADING DOCK SERVICES (S122555.001)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the provision of traffic control and loading dock services for a period of two years, with the option of an extension of two years, subject to satisfactory performance of the contractor;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the terms of the extension, including, but not limited to, any variations to the contract price.

Carried unanimously.

#### **ITEM 6.12**

##### **TENDER - SUPPLY AND DELIVERY OF AUDIO MIXING CONSOLE AND ANCILLARY EQUIPMENT (X000981.007)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the supply and delivery of an audio mixing console and ancillary equipment, and enter into a three year contract for the maintenance and support of the assets; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

**ITEM 6.13**

**TENDER - PROVISION OF CATERING CONSULTANCY SERVICES FOR VENUE MANAGEMENT (X004542.001)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' to provide the specified catering consultancy services; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

**ITEM 6.14**

**TENDER - LIBRARY FURNITURE ADJUSTABLE HEIGHT STAFF STATIONS (X005082)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Library furniture (adjustable height staff stations); and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

**ITEM 6.15**

**EXEMPTION FROM TENDER - SUPPLY EVENT STRUCTURES AND FURNITURE WITH OPTION TO EXTEND TO 2016 AND 2017 EVENTS (S125687.010)**

It is resolved that:

- (A) Council approve an exemption from tender, in accordance with section 55(3)(i) of the Local Government Act 1993, for the contract 'Supply event structures and equipment', noting that, because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
- (B) Council note the reasons why a satisfactory reason would not be achieved by inviting tenders are:
  - (i) a contractor to supply event structures and furniture has already been appointed in accordance with the City's procurement processes;
  - (ii) at the time the contract to supply event structures and furniture was entered into, it was not anticipated that there would need to be a scenic treatment to the event structures and furniture;

- (iii) because the manufacturing techniques and the scenic paint finishes need to be consistent with the infrastructure already in place, it is not considered feasible to not undertake the work; and
  - (iv) the additional cost to prepare the scenic treatment is considered value for money. If the work were separately contracted, it is not considered that better value for money would be achieved for Council;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the variation of the contract to supply event structures and furniture; and
- (D) authority be delegated to the Chief Executive Officer to exercise the option for 2016 and 2017, if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

### **Adjournment**

At this stage of the meeting, at 6.45pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for 15 minutes.

Carried unanimously.

At the resumption of the meeting of Council, at 7.00pm, those present were –

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

### **Report of the Economic Development and Business Sub-Committee**

Moved by Councillor Vithoukas seconded by Councillor Kok –

That the report of the Economic Development and Business Sub-Committee of its meeting of 20 June 2016 be received and the recommendations set out below for Items 6.16 to 6.18 inclusive be adopted.

Carried unanimously.

The Sub-Committee recommended the following:

### **ITEM 6.16**

#### **KNOWLEDGE EXCHANGE SPONSORSHIP – ASIALINK BUSINESS (X003413)**

It is resolved that:

- (A) Council approve a cash sponsorship of \$30,000 (excluding GST) to Asialink Business for the Asia Insights Workshop Series 2016;

- (B) authority be delegated to the Chief Executive Officer to negotiate and enter into a sponsorship agreement with Asialink Business; and
- (C) Council note that, in paragraph 20 of the subject report, the financial year shown as “2015/16” should be “2016/17”.

Carried unanimously.

### **Speakers**

Mr Raj Wilson addressed the meeting of the Corporate, Finance, Properties and Tenders Committee (Economic Development and Business Sub-Committee) on Item 6.16.

### **ITEM 6.17**

#### **KNOWLEDGE EXCHANGE SPONSORSHIP - 2017 CHINA AUSTRALIA MILLENNIAL PROJECT (CAMP) (S121090.004)**

It is resolved that:

- (A) Council approve \$30,000 (exclusive of GST) financial support to AustraliaChina.org Pty Ltd for the coordination and delivery of the 2017 China Australia Millennial Project in Sydney;
- (B) Council approve \$26,610 value in-kind (exclusive of GST) in the form of a venue hire waiver to AustraliaChina.org Pty Ltd, plus any annual increases in fees and charges for 2016/17 rates;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with AustraliaChina.org Pty Ltd; and
- (D) Council note that, in paragraphs 21 and 22 of the subject report, the financial year shown as “2015/16” should be “2016/17”.

Carried unanimously.

### **Speakers**

Ms Andrea Myles addressed the meeting of the Corporate, Finance, Properties and Tenders Committee (Economic Development and Business Sub-Committee) on Item 6.17.

### **ITEM 6.18**

#### **TECH STARTUPS ACTION PLAN - POST EXHIBITION (S102796.007)**

It is resolved that:

- (A) Council note the results of consultation on the draft Tech Startups Action Plan as shown at Attachment A to the subject report;
- (B) Council note the response to the consultation, including the submissions received, on the draft Tech Startups Action Plan as shown at Attachment B to the subject report;



- (C) Council adopt the Tech Startups Action Plan as shown at Attachment C to the subject report;
- (D) authority be delegated to the Chief Executive Officer authority to make amendments to the Tech Startups Action Plan in order to correct any minor drafting errors; and
- (E) Council note that, in paragraph 31 of the subject report, the financial year shown as "2015/2016" should be "2016/17".

Carried unanimously.

**ITEM 7 REPORT OF THE ENVIRONMENT COMMITTEE - 20 JUNE 2016**

PRESENT

The Lord Mayor Councillor Clover Moore  
(Chair)

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

At the commencement of business at 3.10pm those present were -

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

**Apologies**

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

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

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

Carried unanimously.

**Adjournment**

At 3.40pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Green –

That the meeting of the Environment Committee be adjourned for approximately 15 minutes.

Carried.

At the resumption of the meeting of the Environment Committee at 3.58pm, those present were –

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

Councillor Forster returned to the meeting of the Environment Committee at 4.00pm during discussion on Item 7.3.

The meeting of the Environment Committee concluded at 4.09pm.

Report of the Committee

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

That the report of the Environment Committee of its meeting of 20 June 2016 be received, and the recommendations set out below for Items 7.2 to 7.4 inclusive be adopted, with Item 7.1 being noted.

Carried unanimously.

**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****DRAFT ENVIRONMENTAL ACTION 2016 – 2021 STRATEGY AND ACTION PLAN – PUBLIC EXHIBITION (S125908.008)**

It is resolved that:

- (A) Council approve the draft Environmental Action 2016 – 2021 Strategy and Action Plan (the Strategy and Action Plan) as shown at Attachment A to the subject report for public exhibition;
- (B) the Environmental Management Plan 2007 be rescinded as it is now superseded by the Strategy and Action Plan; and
- (C) existing environmental master plans and strategies outlined in paragraph 34 of the subject report are now considered supporting documents (containing actions consistent with this Strategy and Action Plan) or reference documents (containing useful background information, with actions superseded by this Strategy and Action Plan).

Carried unanimously.

**Speakers**

Mr Charles Agnew and Mr Gary Eisner addressed the meeting of the Environment Committee on Item 7.2.

**ITEM 7.3****MARTIN PLACE AND PITT STREET MALL – SMOKE-FREE (S089038)**

It is resolved that:

- (A) all outdoor areas within Martin Place be designated smoke-free zones on a permanent basis; and
- (B) all outdoor areas within the pedestrianised section of Pitt Street Mall (between Market Street and King Street) be designated a smoke-free zone on a permanent basis.

Carried unanimously.

**ITEM 7.4****ASHMORE PRECINCT TRUNK STORMWATER PROJECT – PROJECT AGREEMENT WITH SYDNEY WATER (X005007)**

It is resolved that:

- (A) Council approve the substantive terms of the draft Project Agreement between the City and Sydney Water Corporation for the Ashmore Precinct Trunk Stormwater Project, as detailed in confidential Attachment C to the subject report;
- (B) authority be delegated to the Chief Executive Officer (CEO) to finalise negotiations, execute and administer the Project Agreement, based on the same terms shown at confidential Attachment C to the subject report;
- (C) Council not invite tenders in accordance with the tendering requirements set out in section 55 of the Local Government Act 1993 for procuring third party service providers or to deliver the works because a satisfactory result would not be achieved by inviting such tenders, given the following extenuating circumstances:
  - (i) the procurement process for these works will be undertaken by Sydney Water. Sydney Water may procure services through a process of negotiation once shortlisted proponents have been selected. However, the tendering requirements prescribed by section 55 of the Local Government Act 1993, and the Local Government (General) Regulation 2005, do not allow for direct negotiations with shortlisted proponents; and
  - (ii) Council can achieve a commitment to a fair and accountable procurement process that achieves value for money, has competitive tension, manages probity risks and is a public process by adopting the process that Sydney Water follows. Sydney Water's procurement is conducted in accordance with the NSW Procurement Policy Framework for NSW Government Agencies 2015;
- (D) Council note that, on execution of the Project Agreement, the City and Sydney Water will engage relevant third party service providers to provide services to support the delivery of the project. As detailed in the draft Project Agreement, shown at confidential Attachment C to the subject report, the City is to pay 50 per cent of third party service provider costs, the cost of the works and Sydney Water's related internal costs;
- (E) authority be delegated to the CEO to negotiate and approve the engagement of third party service providers as required for the project, and to make the necessary payments to them and to Sydney Water for the external consultant costs and its related internal costs, as described in clauses (C) and (D) above; and
- (F) Council note that the tendering process for works will be undertaken jointly by the City and Sydney Water and that a report detailing the outcomes of the tendering process will be presented to Council for approval.

Carried unanimously.

**ITEM 8 REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 20 JUNE 2016****PRESENT**

The Lord Mayor Councillor Clover Moore  
(Chair)

Councillor Jenny Green  
(Deputy Chair)

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

At the commencement of business at 4.10pm those present were -

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

**Apologies**

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

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

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

Carried unanimously.

The meeting of the Cultural and Community Committee concluded at 5.40pm.

**Report of the Committee**

Moved by Councillor Green, seconded by Councillor Mant -

That the report of the Cultural and Community Committee of its meeting of 20 June 2016 be received, and the recommendations set out below for Items 8.2 to 8.5 inclusive be adopted, with Item 8.1 being noted.

Carried unanimously.

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

Councillor Linda Scott disclosed less than significant, non-pecuniary interests in Items 8.2 and 8.5 on the agenda due to the involvement of her employer, the University of Sydney, in the following ways:

- Item 8.2, the University of Sydney's Faculty of Architecture, Design and Planning is a supporting partner of the Affordable Housing Conference 2016, however, this particular Faculty does not relate to her work at the University; and

- Item 8.5, the University of Sydney's Glebe Community Development Project has been recommended for an accommodation grant.

Councillor Scott also disclosed a less than significant, non-pecuniary interest in Item 8.5 on the agenda in that she is a former Chair of the Surry Hills Neighbourhood Centre, which has been recommended for an accommodation grant.

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

The Committee recommended the following:

## **ITEM 8.2**

### **KNOWLEDGE EXCHANGE SPONSORSHIP – AFFORDABLE HOUSING CONFERENCE 2016 (S112458.012)**

It is resolved that:

- (A) Council approve cash sponsorship of \$12,000 (excluding GST) under the Knowledge Exchange Sponsorship Program to Homelessness NSW Incorporated for the Affordable Housing Conference 2016;
- (B) Council accept the sponsorship benefits, to be negotiated with Homelessness NSW Incorporated; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Homelessness NSW Incorporated.

Carried unanimously.

## **Speakers**

Ms Stephanie Calabornes addressed the meeting of the Cultural and Community Committee on Item 8.2.

## **ITEM 8.3**

### **KNOWLEDGE EXCHANGE SPONSORSHIP – NATIONAL ASSOCIATION FOR THE VISUAL ARTS – NATIONAL RESEARCH INTO THE SMALL TO MEDIUM VISUAL ARTS SECTOR (S125465)**

It is resolved that:

- (A) Council approve cash sponsorship of \$15,000 (excluding GST) under the Knowledge Exchange Sponsorship Program to the National Association for the Visual Arts to undertake the 'National Research into the Small to Medium Visual Arts Sector' project; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with the National Association for the Visual Arts.

Carried unanimously.

**Speakers**

Ms Brianna Munting, Ms Michelle Newtown and Ms Lisa Cahill addressed the meeting of the Cultural and Community Committee on Item 8.3.

**ITEM 8.4****SUPPLY OF CHILD CARE AND OUT OF SCHOOL HOURS CARE (S116523)**

It is resolved that Council:

- (A) note that there has been a net increase of 967 childcare places in the two years since the June 2013 Child Care Needs Analysis was completed;
- (B) note that a further 1,855 places have development consent but have not yet been built and a further 396 places have been lodged for development consent, which represents an overall potential total of 3,218 places since June 2013;
- (C) note that the contractor has not been able to secure a development approval for the proposed childcare centre for Sydney Park due to site conditions and, as a result, it will not be feasible to provide a childcare centre on this site;
- (D) request the Chief Executive Officer (CEO) to make the provision of child care a priority in or near the Ashmore Estate through the planning and development process;
- (E) request the CEO to investigate the use of Joseph Sargeant Community Centre in Erskineville to be adapted for use as an out of school hours care service, along with continued community use;
- (F) note that the cost for the redevelopment of the Joseph Sargeant Community Centre will be sourced from the up to \$56.1 million provided for child care in the long term financial plan; and
- (G) note that design and consultation will shortly commence on the skate facility at Sydney Park and a scope report will be brought to Council for approval of the project design later this year.

Carried unanimously.

**ITEM 8.5****ACCOMMODATION GRANT PROGRAM – ANNUAL PERFORMANCE REVIEW AND LEASE RENEWALS (S117676)**

It is resolved that:

- (A) Council approve the renewal of the 43 Accommodation Grant leases/licences and grants for tenants listed in the table below clause (B), which hold leases/licences that expire in 2016 and have met the performance criteria of their Accommodation Grant, for a period of up to five years to 30 June 2021;

- (B) Council approve the subsidy level and grant value of the 43 tenants listed in the table below, with annual increase of three per cent in grant value and rent to be paid for the financial years 2017/18, 2018/19, 2019/20 and 2020/21 in accordance with the City's minimal fixed increase percentage:

<b>Organisation</b>	<b>Property Address</b>	<b>Subsidy 2016/17</b>	<b>Grant Value 2016/17</b>	<b>Rent to be paid Year 1</b>
107 Projects Inc	107 Redfern St, Redfern	100%	\$84,130	\$0
Asian Australian Artists Assoc	Corporation Building, 181-187 Hay Street Haymarket	94%	\$120,485	\$7,515
Australian Guild of Screen Composers	Rex Centre, 50-58 Macleay Street Elizabeth Bay	100%	\$2,100	\$0
Australian Screen Editors Inc	Rex Centre, 50-58 Macleay Street Elizabeth Bay	100%	\$2,100	\$0
Beehive Industries Co-op	137 Palmer Street Darlinghurst (Palmer Street Holding), 137 Palmer Street Darlinghurst	80%	\$183,850	\$46,050
Big Fag Press	Jubilee – Viaducts, 6 Chapman Road Annandale	18%	\$1,377.00	\$6,014
Darlinghurst Theatre Company *Refer to clause (I)	Eternity Playhouse, 249 Palmer Street Darlinghurst	70%	\$93,320	\$39,994
Dept. of Ageing Disability & Home Care (Alleena Home Care)	Alexandria Aged Health Centre, 12a Dadley Street Alexandria	66%	\$21,299	\$11,171
Eastern Respite and Recreation	Rosebery Community Centre, 78 Harcourt Parade Rosebery	100%	\$32,271	\$0
First Draft Inc	Depot - Riley Street, 13-17 Riley Street Woolloomooloo	87%	\$83,463	\$12,537
Gay & Lesbian Rights Lobby	Glebe Community Centre - Benledi House, 186-194 Glebe Point Road Glebe	79%	\$16,165	\$4,266
Geoff Holmes T/as Glebe Music Project	Jubilee – Viaducts, 6 Chapman Road Annandale	100%	\$7,527	\$0



<b>Organisation</b>	<b>Property Address</b>	<b>Subsidy 2016/17</b>	<b>Grant Value 2016/17</b>	<b>Rent to be paid Year 1</b>
Glebe District Hockey Club Inc	Jubilee – Viaducts, 6 Chapman Road Annandale	100%	\$7,305	\$0
Glebe Junior Australian Football Club	Jubilee – Viaducts, 6 Chapman Road Annandale	100%	\$7,220	\$0
Inner City Legal Centre Limited	Kings Cross Neighbourhood Service Centre & Library, 50-52 Darlinghurst Rd, Kings Cross	100%	\$47,000	\$0
Inner Sydney Regional Council for Social Development	Waterloo Library, 770 Elizabeth street Waterloo	90%	\$44,004	\$4,996
Jessie Street National Women's Library	Ultimo Community Centre - Harris Street, 40 William Henry Street (bounded by Harris & Bulwara) Ultimo	87%	\$56,872	\$8,128
Kings Cross Community and Information Centre	Rex Centre, 50-58 Macleay Street Elizabeth Bay	100%	\$33,000	\$0
Mandala Community Counselling Services Inc	Ultimo Community Centre - Harris Street, 40 William Henry Street (bounded by Harris & Bulwara) Ultimo	100%	\$16,000	\$0
Music Australia (previously Music Council of Australia)	Erskineville Town Hall, 104 Erskineville Road Erskineville	45%	\$7,655	\$10,020.00
Neighbour Connections Inc	Glebe Community Centre - St Helens Community centre, 184 Glebe Point Road Glebe	100%	\$14,266	\$0
PACT Centre for Emerging Artists *Refer to clause (F)	107-125 Railway Parade (SES on same site) Erskineville, 107-125 Railway Parade (SES on same site) Erskineville	100%	\$83,000	\$0

<b>Organisation</b>	<b>Property Address</b>	<b>Subsidy 2016/17</b>	<b>Grant Value 2016/17</b>	<b>Rent to be paid Year 1</b>
Physical Disability Council	Glebe Community Centre - St Helens Community centre, 186 Glebe Point Road Glebe	15%	\$1,602	\$9,102
Pride History	Glebe Community Centre - Benledi House, 186-194 Glebe Point Road Glebe	100%	\$16,093	\$0
Pyrmont Ultimo Glebe Mens Shed	Jubilee – Viaducts, 6 Chapman Road Annandale	79%	\$12,755	\$2,920
Radio Eastern Sydney Co-op	Paddington Town Hall, 247 Oxford Street Paddington	83%	\$23,693	\$4,827
Radio For the Print-handicapped of NSW	Glebe Community Centre - St Helens Community centre, 185 Glebe Point Road Glebe	61%	\$22,139	\$14,149
Readymade Works Incorp	Ultimo Child Care Centre, 247-257 Bulwara Road Ultimo	80%	\$28,966	\$7,255
Redfern Legal Centre	Redfern Town Hall, 73 Pitt Street Redfern	100%	\$160,000	\$0
South East Neighbourhood Centre	Beaconsfield Community Centre, 169 Victoria Street Beaconsfield	100%	\$27,908	\$0
South Sydney Community Aid Co-op	Alexandria Town Hall, 73 Garden Street Alexandria	100%	\$30,467	\$0
Sydney Local Health District known as Glebe Early Childhood Centre	Glebe Town Hall, 161 St Johns Road Glebe	100%	\$44,100	\$0
The Bower Re-use & Repair Centre Co	107 Redfern St, Redfern	100%	\$16,000	\$0.00
The Roman Catholic Church for The Archdiocese of Sydney	Phillip Park Community & Children's Centre, 2-10 Yurong Parkway Sydney	90%	\$29,657	\$3,343

<b>Organisation</b>	<b>Property Address</b>	<b>Subsidy 2016/17</b>	<b>Grant Value 2016/17</b>	<b>Rent to be paid Year 1</b>
The Sydney Children's Hospital Network	Reginald Murphy Activity Club, 19 Greenknowe Street Elizabeth Bay	100%	\$32,290	\$0
The University of Sydney (occupied by Glebe Community Development)	Glebe Town Hall, 160 St Johns Road Glebe	100%	\$59,400	\$0
The Women's Library Inc	Newtown Library & women's Centre & Brown St Community Hall, 8-10 Brown Street Newtown	100%	\$41,000	\$0
Tom Bass Sculpture Studio School	Erskineville Art's Centre, 1a Clara Street Erskineville	91%	\$50,978	\$4,864
Tribal Warrior Assoc Inc	107 Redfern St, Redfern	100%	\$27,939	\$0
Vibewire Youth Services	Ultimo Community Centre - Harris Street, 40 William Henry Street (bounded by Harris & Bulwara) Ultimo	92%	\$91,756	\$7,829
Weave Youth Family	South Sydney Youth Centre, Waterloo Oval Elizabeth & Allen Streets Waterloo	100%	\$59,000	\$0
Women In Film and Television Inc	Rex Centre, 50-58 Macleay Street Elizabeth Bay	100%	\$2,100	\$0
Wrap with Love	Huntley St Industrial Complex, 4/4 Huntley St, Alexandria	100%	\$12,700	\$0

- (C) Council approve the extension of the 14 Accommodation Grants held by childcare centres for a five year period up to 30 June 2021, noting the City will review grants and update terms and conditions after the first two years;
- (D) Council approve the subsidy level and grant value of the 14 childcare centres based on 2016 valuations listed in the table below, with annual increase of three per cent in grant value and rent to be paid for the financial year 2017/18 in accordance with the City's minimal fixed increase percentage:

<b>Organisation</b>	<b>Property Address</b>	<b>Subsidy 2016/17</b>	<b>Grant Value 2016/17</b>	<b>Rent to be paid Year 1</b>
James Cahill Preschools	James Cahill Pre-School, 1-7 Ragan Street Waterloo	100%	\$100,800	\$0
John J Carrol Pres School	John J Carroll Pre-School, 2-14 Phelps Street Surry Hills	95%	\$80,200	\$3,800
KU Childrens Services	Ultimo Child Care Centre, 247-257 Bulwara Road Ultimo	100%	\$227,500	\$0
KU Childrens Services - Lance Preschool	Lance Pre-School and Child Care Centre, 37 High Street Millers Point	92%	\$151,844	\$13,906
KU Children's Services Rushcutters Bay Lease	Rushcutters Bay Childcare Centre, Rushcutters Bay Park Waratah Street Rushcutters Bay Park	94%	\$112,399	\$7,601
KU Philip Park Children's Centre	Phillip Park Community & Children's Centre, 2-10 Yurong Parkway Sydney	93%	\$205,537	\$15,463
Lois Barker Child Care	Lois Barker Child Care Centre, 232 (102 Wellington) Pitt street Waterloo	100%	\$110,997	\$0
Maybanke Preschool	Maybanke Pre-School, 99 Harris Street Pymont	100%	\$52,500	\$0
Rosebery Child Care Inc	Rosebery Child Care Centre, 1 Harcourt Parade Rosebery	100%	\$130,000	\$0
SDN Childrens Services - Pymont early childhood education centre	Pymont Community Centre, 79a (entry off Mount Street) John Street Pymont	100%	\$150,000	\$0
SDN Childrens Services - Surry Hills Early Childhood education centre	Surry Hills Child Care Centre, 443 Riley Street Surry Hills	100%	\$225,000	\$0
Sunbeam kindergarten	Sunbeam Kindergarten, 8 Lynne Street Alexandria	100%	\$74,000	\$0
Surry Hills Neighbourhood Centre	Surry Hills Community & Child Care Centre & Library, 405 Crown Street Surry Hills	100%	\$120,000	\$0

<b>Organisation</b>	<b>Property Address</b>	<b>Subsidy 2016/17</b>	<b>Grant Value 2016/17</b>	<b>Rent to be paid Year 1</b>
UTS Childcare Inc	McKee Street Child Care Centre, 2-10 and 1-15 (on 2 blocks) Mary Ann and McKee Streets Ultimo	93%	\$205,015	\$14,585

- (E) Council note that Walla Mulla Family and Community Support, incorporating Walla Mulla Children's Services, has been rated B and will holdover on a month-to-month basis on their current leasing arrangements for the reasons outlined in confidential Attachment B to the subject report;
- (F) Council note that all lease/licence renewals will be brought to Council for approval in line with the annual performance review report. Leases/licences expiring prior to the annual performance review report going to Council will holdover on a month-to-month basis;
- (G) Council approve a 100 per cent rental subsidy valued at \$83,000 for PACT Centre for Emerging Artists at 107-125 Railway Parade, Erskineville for the period 1 July 2016 to 30 June 2017, with an annual increase of three per cent per annum excluding GST;
- (H) Council approve the extension of Kil.n.it's Accommodation Grant Program lease for the Glebe Nurses Quarters Creative Studios for year two (1 July 2016 – 30 June 2017) of its current two year grant and lease at a 100 per cent subsidy valued at \$58,380 per annum;
- (I) Council approve the following rental subsidy for Darlinghurst Theatre Company's Accommodation Grant Program lease at the Eternity Playhouse, Darlinghurst:
- (i) 70 per cent subsidy for the period 1 July 2016 to 30 June 2017, valued at \$93,320 per annum;
  - (ii) 67 per cent subsidy for the period 1 July 2017 to 30 June 2018, valued at \$92,000 per annum;
  - (iii) 64 per cent subsidy for the period 1 July 2018 to 30 June 2019, valued at \$90,517 per annum;
  - (iv) 60 per cent subsidy for the period 1 July 2019 to 30 June 2020, valued at \$87,405 per annum; and
  - (v) 55 per cent subsidy for the period 1 July 2020 to 30 June 2021, valued at \$82,525 per annum; and
- (J) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for an Accommodation Grant on terms consistent with this resolution and in accordance with the Grants and Sponsorship Policy.

Carried unanimously.

**Speakers**

Ms Stephanie Calabornes addressed the meeting of the Cultural and Community Committee on Item 8.5.

**ITEM 9 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 21 JUNE 2016****PRESENT**

The Lord Mayor Councillor Clover Moore  
(Chair)

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

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

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

**Apologies**

Councillor Irene Doutney extended her apologies for her inability to attend the meeting of the Planning and Development Committee, as she was unwell.

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

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

Carried.

**Adjournment**

At 6.15pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Mant -

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

Carried.

At the resumption of the meeting of the Planning and Development Committee at 6.30pm, those present were:

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

Councillor Mandla returned to the meeting at 6.32pm, during discussion on Item 9.12, which had been brought forward.

**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 4.06pm.

The Major Development Assessment Sub-Committee, with Councillor Kok as Deputy Chair, commenced at 5.20pm.

The Development Assessment Sub-Committee, with Councillor Mant as Deputy Chair, commenced at 7.47pm.

### **Order of Business**

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

1. Disclosures of Interest
2. Barrack Street Sydney – Permanent Road Closure
3. Public Exhibition – Hoardings and Scaffolding Policy and Guidelines - Review
4. Walking Strategy and Action Plan – Implementation Update
5. Cycle Strategy Implementation Update
6. 15 Minute Free Parking
7. Fire Safety Reports
9. Development Application: 36-38 Wilson Street Newtown
12. Development Application: 87 Parramatta Road Camperdown
8. Stage 2 Development Application: 1 Elger Street, 83 Bay Street Glebe – Glebe Affordable Housing Project
10. Development Application: 126-196 Dowling Street Woolloomooloo
11. Development Application: 100 Harris Street Pyrmont
13. Development Application: 73-75 Parramatta Road Camperdown
14. Development Application: 59-63 Botany Road Waterloo
15. Development Application: 202-210 Elizabeth Street Surry Hills
16. Development Application: 556-560 Cleveland Street Moore Park – Sydney Boys and Girls High Schools
17. Development Application: 32-44 Church Street Camperdown
18. Development Application: 46-48 Riley Street Woolloomooloo – City Ford Building

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 7.58pm.

### **ITEM 9.1**

#### **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 9.2 on the agenda, in that she owns a business on George Street, opposite Barrack Street.

Councillor John Mant disclosed a less than significant, non-pecuniary interest in Item 9.16 on the agenda, in that he has a grand-daughter who attends Sydney Girls High School.

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

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

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



Report of the Transport, Heritage and Planning Sub-Committee

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

That the report of the Transport, Heritage and Planning Sub-Committee of its meeting of 21 June 2016 be received, with Item 9.1 being noted and the recommendations set out below for Items 9.2 to 9.7 inclusive being adopted.

Carried unanimously.

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

**ITEM 9.2**

**BARRACK STREET SYDNEY – PERMANENT ROAD CLOSURE (S113048.049)**

It is resolved that Council approve the change of traffic conditions at Barrack Street, Sydney, between York and George Streets, to prevent all vehicles other than emergency vehicles or waste collection vehicles from entering.

Carried unanimously.

**ITEM 9.3**

**PUBLIC EXHIBITION - HOARDINGS AND SCAFFOLDING POLICY AND GUIDELINES - REVIEW (S125179)**

It is resolved that:

- (A) the draft Hoardings and Scaffolding Local Approvals Policy, as shown at Attachment A to the subject report, and the draft (amended) Guidelines for Hoardings and Scaffolding, as shown at Attachment B to the subject report, be approved for public exhibition for a period of not less than 42 days, subject to the amendment of the draft (amended) Guidelines for Hoardings and Scaffolding such that the last paragraph of clause 2.15 – Installation of temporary structures and impacts on building use / operation – reads as follows:

The proponent and/or building owner should therefore communicate with building occupants to advise of proposed works and address any issues. A minimum of 7 days notice shall be provided prior to the installation occurring.

- (B) key industry groups and relevant government agencies be notified of the draft Hoardings and Scaffolding Local Approvals Policy and the draft (amended) Guidelines for Hoardings and Scaffolding and be invited to review and make submissions on the draft documents.

Carried unanimously.

**ITEM 9.4**

**WALKING STRATEGY AND ACTION PLAN - IMPLEMENTATION UPDATE (S110643)**

It is resolved that Council note progress in implementing the Walking Strategy and Action Plan 2015-2030.

Carried unanimously.

**ITEM 9.5**

**CYCLE STRATEGY IMPLEMENTATION UPDATE (S053518)**

It is resolved that Council note progress in implementing the Cycle Strategy and Action Plan 2007-2017.

Carried unanimously.

**ITEM 9.6**

**15 MINUTE FREE PARKING (S111619)**

It is resolved that:

- (A) fifteen minute free parking tickets be maintained for a further period of two years in the existing trial locations shown at Attachment A to the subject report, subject to the extension of the trial locations to include those sections of Campbell Street and Bourke Street, Darlinghurst, as recommended in paragraphs 15 and 16 of the subject report;
- (B) Council note the difficulty of efficiently enforcing use of 15 minute free parking tickets under current regulations, and request that the Chief Executive Officer initiate discussions with the NSW Government and other local government authorities with a view to amending the NSW Road Rules;
- (C) Council note an investigation has been undertaken into the possible expansion of 15 minute free parking to other streets in the City of Sydney Local Government Area;
- (D) a further report on expansion of 15 minute free parking to other streets in the City of Sydney Local Government Area (including streets identified in the subject report) be prepared for Council following amendment of the NSW Road Rules to address enforcement issues associated with 15 minute free parking tickets; and
- (E) it be noted that Councillor Forster is to write to the relevant State Government Minister seeking amendment to the NSW Road Rules in order to oblige the taking of a ticket where instructions on or with the sign or ticket machine require it.

Carried unanimously.

**ITEM 9.7****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 L 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 168-174 Euston Road, Alexandria, 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 to address the identified fire safety deficiencies in 157-161 Redfern Street, Redfern, 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 to address the identified fire safety deficiencies in 39-61 Gibbons Street, Redfern, as detailed in Attachment D;
- (F) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer to address the identified fire safety deficiencies in 2-6 City Road, Chippendale, as detailed in Attachment E;
- (G) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer to address the identified fire safety deficiencies in 1-19 Allen Street, Pyrmont, as detailed in Attachment F;
- (H) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer to address the identified fire safety deficiencies in 352 Sussex Street, Sydney, as detailed in Attachment G;
- (I) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer to address the identified fire safety deficiencies in 33-35 Darlinghurst Road, Potts Point, as detailed in attachment H;
- (J) 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 to address the identified fire safety deficiencies in 189-197 Kent Street, Sydney, as detailed in attachment I;
- (K) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer to address the identified fire safety deficiencies in 507 Wattle Street, Ultimo, as detailed in attachment J;

- (L) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 56-60 Foster Street, Surry Hills, as detailed in Attachment K; and
- (M) 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 to address the identified fire safety deficiencies in 177-181 Clarence Street, Sydney, as detailed in Attachment L.

Carried unanimously.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kok, seconded by Councillor Green -

That the report of the Major Development Assessment Sub-Committee of its meeting of 21 June 2016 be received, with the recommendations set out below for Items 9.8, 9.11 and 9.13 to 9.16 inclusive being adopted, and Items 9.9, 9.10 and 9.12 being dealt with as shown immediately following those items.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

**ITEM 9.8**

**STAGE 2 DEVELOPMENT APPLICATION: 1 ELGER STREET, 83 BAY STREET GLEBE - GLEBE AFFORDABLE HOUSING PROJECT (D/2015/1794)**

It is resolved that consent be granted to Development Application No. D/2015/1794, 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 works commencing on site and some are to be satisfied prior to occupation, where indicated.

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2014/1794 dated 11 December 2015 and the following drawings prepared by DEM Architecture:

Drawing Number	Drawing Name	Date
ar-0200 Rev a02	Master Plan Lower Ground Floor	05/04/16

<b>Drawing Number</b>	<b>Drawing Name</b>	<b>Date</b>
ar-0201 Rev a02	Master Plan Ground Floor	05/04/16
ar-0202 Rev a02	Master Plan Level 1	05/04/16
ar-0203 Rev a02	Master Plan Level 2	05/04/16
ar-0204 Rev a02	Master Plan Level 3	05/04/16
ar-0205 Rev a02	Master Plan Level 4	05/04/16
ar-0206 Rev a02	Master Plan Level 5	05/04/16
ar-0207 Rev a02	Master Plan Level 6	05/04/16
ar-0208 Rev a02	Master Plan Level 7	05/04/16
ar-0209 Rev a02	Master Plan Level 8	05/04/16
ar-2100 Rev a02	Sections Block B	05/04/16
ar-2101 Rev a02	Sections Block D	05/04/16
ar-2102 Rev a02	Sections Block D	05/04/16
ar-2500 Rev a02	North Elevation South Elevation Block B	05/04/16
ar-2501 Rev a02	East Elevation West Elevation Block B	05/04/16
ar-2502 Rev a02	North Elevation South Elevation Block D	05/04/16
ar-2503 Rev a02	East Elevation West Elevation Block D	05/04/16

and as amended by the conditions of this consent.

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

**(2) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) Balustrade fins and metal screens are to be designed and fixed such that they extend over the slab edge of the balconies.

- (b) The awnings/sun grilles to the upper level apartments are to be designed to incorporate functional fixed or operable louvres, of appropriate orientation for the respective apartments.
- (c) The sandstone facing below the outdoor space of the common room for Block D is to be returned (at the eastern end) so the sandstone element appears solid and 3 dimensional. The return should be at least as long as the extent of the balustrade immediately above.
- (d) Stormwater pits are located in the middle of the footpaths at the principal points of entry to the buildings. The stormwater design is to be amended to reposition the stormwater pits so they are not within the principal pedestrian paths of travel to the building so they are not within the principal pedestrian paths of travel to the building.
- (e) The door currently depicted to Block B opening over Stirling Street is to be amended such that it does not encroach on the public domain.
- (f) The eastern stairwell to Block B is to be amended to include a doorway to each of Levels 1, 2, 3 and 4.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to works commencing on site, provided that Council shall not unreasonably withhold such approval.

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

- (a) The materials and external finishes of the following elements must be submitted to and approved by the Council's Director City Planning, Development and Transport prior to works commencing on site, provided that Council shall not unreasonably withhold such approval:
  - (i) Southern elevation of the nine storey portion of Block D;
  - (ii) Brickwork;
  - (iii) Roof surfaces;
  - (iv) Lift overruns;
  - (v) External metal screens to stairs and balustrades
  - (vi) Awnings over the uppermost apartment level balconies;
  - (vii) Balustrades
  - (viii) Details of any ventilation stacks required to penetrate the roof.

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

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

Details of screening to all roof-top plant, including external colours and finishes are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to works commencing on site, provided that Council shall not unreasonably withhold such approval.

**(5) GROSS FLOOR AREA**

The following applies:

- (a) The total Gross Floor Area of the development is as follows:
  - (i) Block B – 3370m<sup>2</sup>
  - (ii) Block D – 7750m<sup>2</sup>
- (b) Prior to occupation, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011, applicable at the time of development consent.

**(6) CAR SHARE**

- (a) An application must be made to Council for a minimum of 1 car share space to be provided on Elger Street. The car share space(s) are to be provided to meet the following conditions:
  - (i) The space(s) must be made available to car share operators without a fee or charge.
  - (ii) The space(s) must be sign posted for use only by car share vehicles and well lit.
  - (iii) The space(s) must be accessible to members of the car share scheme at all times.
- (b) The applicant must prepare a plan showing the proposed parking restrictions for Elger Street. The plan must include the parking restrictions and the locations of all the parking signs and stems, and their chainages from the nearest intersection.

The plan must be submitted 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.

- (c) All approved parking restrictions and signs must be installed at no cost to Council and must be installed prior to occupation.

Note:

- (i) The process of reporting an item to the Local Pedestrian, Cycling and Traffic Calming Committee takes approximately 8 weeks from the relevant Council officer being satisfied with the proposal.

**(7) ASSOCIATED ROADWAY COSTS**

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

**(8) BICYCLE PARKING AND END OF TRIP FACILITIES**

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

<b>BLOCK B</b>		
Bicycle Parking Type	Number	Requirements
Residential	21	Spaces must be a class 1 or class 2 facility
Residential visitor	5	Spaces must be Class 3 bicycle rails
<b>BLOCK D</b>		
Bicycle Parking Type	Number	Requirements
Residential	46	Spaces must be a class 1 or class 2 facility
Residential visitor	11	Spaces must be Class 3 bicycle rails

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to LAHC prior to works commencing on site.

**(9) TRANSPORT ACCESS GUIDE**

A Transport Access Guide, including a strategy for the future distribution of the Guide to residents and visitors to the site, must be submitted to Council prior to occupation of the site.

Note:

- (a) Transport Access Guide requirements are detailed in section 7.7 of the Sydney DCP 2012. Information about preparing a Transport Access Guide is available on Council's website. For further information about a preparing a Transport Access Guide, the applicant should contact the City's Transport and Access Unit.

**(10) 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.

**(11) 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.

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

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

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

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

**(14) VEHICLE FOOTWAY CROSSING**

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

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

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

**(15) HERITAGE INTERPRETATION STRATEGY**

- (a) A heritage interpretation strategy for the site must be submitted to and approved by Council prior to any works commencing, provided that Council shall not unreasonably withhold such approval.
- (b) It is to be prepared by a suitably qualified and experienced heritage consultant.
- (c) The interpretation strategy must detail how information on the history, development 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 and the display of selected artefacts are some of the means that can be used. The strategy is to include incorporation of the foundation plaques of the buildings that were on the site.

**(16) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) All apartments within the development must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from "residential accommodation" as defined in Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011. The covenant is to be registered on title prior to occupation or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

**(17) 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.

#### **(18) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO OCCUPATION**

All performance parameters, requirements, engineering assumptions and acoustic recommendations contained in the acoustic report prepared by Acoustic Logic, dated 2 December 2015 and referenced 20151289.1/2711A/R1/HP must be implemented as part of the detailed design assessment and incorporated into the development.

**(19) FINAL ACOUSTIC VERIFICATION REPORT**

A final acoustic verification report is to be submitted to the Council's Area Planning Manager prior to the occupation of Blocks B and D confirming that the acoustic mitigation measures identified in the acoustic report prepared by Acoustic Logic, dated 2 December 2015 and referenced 20151289.1/2711A/R1/HP have been incorporated into the development and the internal acoustic amenity criteria outlined in the report have been achieved.

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

A site specific noise management plan shall be submitted to the Council's Area Planning Manager for comment and approval prior construction works associated with Block B and D taking place, provided that Council shall not unreasonably withhold such approval.

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

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

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

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

## **SCHEDULE 1B**

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

Note: Prior to works commencing on site, sufficient information must be forwarded to the certifying authority 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).

#### **(21) 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.

## **(22) CERTIFICATION OF GEOTECHNICAL INSPECTION**

Prior to the commencement of works, a Geotechnical Inspection Certificate in accordance with Clause A2.2(a)(iii) of the Building Code of Australia prepared by an appropriately qualified person must be submitted to LAHC and a copy submitted to Council.

## **(23) GEOTECHNICAL REPORT AND CERTIFICATION**

Prior to commencement of any foundation or bulk excavation, a Geotechnical Report must be submitted to LAHC, and a copy submitted to Council.

## **(24) 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 Council prior to construction.

**(25) OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD**

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, a separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 must be made to Council to obtain approval.

Note: Building maintenance unit means a power operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (Work Health and Safety Regulation 2011).

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

Prior to the commencement of works, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 building) and Cause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to LAHC. A copy of the certificate must be submitted to Council.

**(27) BASIX CERTIFICATE**

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 the plans presented to the certifier of Crown building works, and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted to LAHC. – See Note.

IMPORTANT NOTE:

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

**(28) PHYSICAL MODELS**

- (a) Prior to occupation, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.

- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

**(29) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION**

- (a) Prior to occupation, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

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

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

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
  - (i) Existing site contours;
  - (ii) Location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;



- (iii) Location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

### **(31) CLASSIFICATION OF WASTE**

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

### **(32) IMPORTED FILL MATERIALS**

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

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

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

### **(33) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Site Auditor immediately.

### **(34) REGISTRATION OF COVENANT**

A covenant shall be registered on the title of the land and a copy of the title submitted to the City's Area Planning Manager prior on the completion of blocks B and D, giving notice of the existence of any remaining encapsulated contaminated materials which are subject to ongoing environmental management.

A covenant shall be registered on the title of the land and a copy of the title submitted to the City's Area Planning Manager on the completion of blocks B & D, giving notice of the existence of any remaining encapsulated contaminated materials which are subject to ongoing environmental management.

**(35) SITE AUDIT STATEMENT**

Prior to the commencement of works associated with the built form of blocks B and D a Section A Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor and submitted to the Area Planning Manager.

The SAS must confirm that the development site has been remediated in accordance with the Remedial Action Plan, prepared by JBS, dated April 2010 and referenced JBS 41081-14458 (Rev 0) and Remedial Works Plan for Blocks B & D, Elger Street, Glebe, NSW, prepared by JBS&G referenced L01RWP Block B & D Elger Street Glebe rev B.dox, 7th April 2016 Section 5.1 and 5.2. (c) and confirm the site is suitable for the proposed use

Conditions on the Site Audit Statement shall form part of the consent.

- (a) Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be reviewed and approved by Council before the SAS is issued. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a S96 application pursuant to the Environmental Planning & Assessment Act 1979 shall be submitted to ensure that they form part of the consent conditions.

**(36) SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN**

Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement (SAS) is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite this EMP must be submitted to and approved by the Site Auditor and a copy provided to the City's Area Planning Manager prior to the issue of the SAS.

**(37) COMPLIANCE WITH APPROVED ENVIRONMENTAL MANAGEMENT PLAN**

Any future intrusive ground works carried out that have the potential to conflict with any residual contamination remaining onsite must only be carried out in accordance with the Environmental Management Plan as referenced by the Site Auditor on the final Site Audit Statement and submitted to Council

**(38) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

- (a) Prior to the commencement of any above ground works an Environmental Management Plan (EMP) must be prepared by a suitably qualified Environmental Consultant and submitted to the City's Area Planning Manager. The EMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

- (b) All works must be undertaken onsite in accordance with the approved Environmental Management Plan.

**(39) STOCKPILES**

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

**(40) PERMITS FOR WORK REQUIRING THE USE OF A PUBLIC PLACE**

- (a) 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 Works Zone, hoisting activity over a public road, temporary works and / or road openings must be obtained from Council prior to the commencement of work.

For further details please contact Council's Traffic Works Coordinator or the Traffic Operations Team on (02) 9265-9333 or email [twc@cityofsydney.nsw.gov.au](mailto:twc@cityofsydney.nsw.gov.au)

**(41) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE**

For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the *Roads Act 1993* must be lodged with Council.

**(42) DISCHARGE OF CONTAMINATED GROUNDWATER**

Prior approval must be sought from the City's Public Domain Department to discharge any groundwater into the City's stormwater drainage system.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**(43) 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.

**(44) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

A Construction Traffic Management Plan must be submitted to Council prior to works commencing on site, provided that Council shall not unreasonably withhold such approval.

**(45) LANDSCAPED (GREEN) ROOFS**

- (a) A final detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to works commencing on site, provided that Council shall not unreasonably withhold such approval. The plan must include:
- (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
  - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
  - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.
  - (v) Details of the soil media/substrate type and depth.
  - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
  - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
  - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the commencement of works, the following details are to be submitted to LAHC:
- (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
  - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to occupation.

- (d) Prior to occupation, a maintenance plan is to be submitted to LAHC. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
  - (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
  - (ii) Details of safety procedures.
  - (iii) Laminated copies of 'As Built' drawings.
  - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
  - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
  - (vi) Decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

**(46) LANDSCAPING OF THE SITE**

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the commencement of above ground building works, provided that Council shall not unreasonably withhold such approval. The plan must include:
  - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
  - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
  - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
  - (iv) Details of planting procedure and maintenance;
  - (v) Details of drainage, waterproofing and watering systems;
  - (vi) The design of the raised planter beds and proposed soft landscaping to the Bay Street frontage of Block D.
  - (vii) A tree species specified for each courtyard at the two main entries to Block D from Elger Street that will grow to approximately 12m. (This is to help visually break up the building length by way of large scale vegetation).

- (b) Prior to the commencement of above ground building works, a maintenance plan is to be submitted to LAHC and a copy submitted to Council. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to occupation.

**(47) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and AS1668.2.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, and submitted to LAHC prior to commencement of construction.
- (c) Prior to occupation and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to LAHC.

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

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

**(49) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to works commencing on site, a photographic recording of the public domain site frontages is to be prepared and submitted to Council.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before occupation of the development, whichever is earlier.

#### **(50) PRESERVATION OF SURVEY MARKS**

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

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

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

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

**(51) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

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

**(52) PUBLIC DOMAIN PLAN**

- (a) A detailed Public Domain Plan for the frontage of Block D on Bay Street only (from the end of the kerb extension to the property boundary), must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to public domain work or above ground building work, whichever is later, provided that Council shall not unreasonably withhold such approval. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).
- (b) The Public Domain Plan, only required for the frontage of Block D on Bay Street, must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to any public domain work.
- (c) The works to the public domain for the frontage of Block D on Bay Street only are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before occupation or before the use commences, whichever is earlier.



- (d) A Public Domain Works Deposit will be required for the public domain works for Block D, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be paid by the Contractor and submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to works commencing on site for Block D.
- (f) The Bank Guarantee will be retained in full until all Public Domain works for Block D are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

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

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

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

- (a) Prior to any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to commencement of works for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.

Note:

- (i) Contact Council's Legal Unit prior to the drafting of the positive covenant.
- (c) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (d) Prior to a commencement of any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
  - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.
- (e) Prior to occupation, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to LAHC and a copy provided to Council.

## **(55) GROUNDWATER**

In the event the proposal results in an increase in excavation, or greater than expected groundwater inflows to those projected in the geotechnical investigations report prepared by Douglas Partners (Ref: 45893.02 dated August 2010), the NSW Department of Primary Industries - Water is to be notified and any necessary authorisations under water management legislation obtained.

**(56) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain for Blocks B & D, 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.

**(57) DRAINAGE AND SERVICE PIT LIDS**

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

**(58) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the Stirling and Bay Street frontages of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs will occur in consultation with Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed.

Note:

- (i) A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to occupation.
- (ii) All costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

**(59) PUBLIC DOMAIN DAMAGE DEPOSIT**

A Public Domain Damage Deposit calculated on the basis of:

- (a) 91 lineal metres of asphalt site frontage for Building B; and
- (b) 101 lineal metres of asphalt site frontage for Building D

must be lodged with Council prior to an approval for demolition being granted or commencement of construction. The Public Domain Damage Deposit is to be paid by the Contractor in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

**(60) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

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

**(61) DEDICATION OF ROADS**

Prior to occupation of the development, the owner of the site must dedicate to the public as road, free of cost to Council, the roads referred to in the plans accompanying the application as "Stirling Street", "Elger Street", as detailed in plans by Family & Community Services project no. 4399-00 Revision A02 dated 05/04/16.

**(62) CLOSURE OF REDUNDANT COMPONENTS OF ELGER STREET**

Prior to occupation of any component of the development, the owner of the site must arrange for the closure of the redundant components of Elger Street, located around the existing cul-de-sac head, free of cost to Council.

Note:

- (a) Due to the timeframes associated with the road closure process, it may be advisable to carry out the subdivision in two stages. The first stage of the subdivision could commence prior to construction, with the sites of the future road dedications created as lots, together with the road closure of the redundant components of Elger Street. When the roadworks are complete, the second stage plan could be prepared, dedicating lots to the public as road, and minimising the risk of the road closure delaying occupation.

**(63) RELEASE OF EASEMENT**

The easement for electricity and other purposes 13m wide and variable created by transfer AK241432V and affecting the subject property shall be released prior to, or in conjunction with, the dedication of Stirling Street to the public as road. It is recommended that a draft Section 88B instrument, with the release contained in Schedule 1A, be provided to Ausgrid for their consideration at an early stage.

**(64) COMPLETION OF PUBLIC DOMAIN WORKS**

Prior to Occupation, the public domain works associated with the construction of Elger Street and Stirling Street are to be completed in accordance with the requirements of, and to the satisfaction of, Council.

**(65) SECTION 138 APPROVAL**

Prior to the commencement of any work within the existing public way, a separate application is to be made to Council to obtain approval under Section 138 of the Roads Act 1993.

**(66) SURVEY**

- (a) AT FOUNDATION STAGE - All footings and walls adjacent to a boundary must be set out by a registered surveyor. Upon commencement of blockwork or wall construction for the basements a survey and report must be submitted to LAHC indicating the position of external walls in relation to the boundaries of the allotments. Any encroachments of the subject building or associated structures over any boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.
- (b) DURING CONSTRUCTION - A survey of the formwork for the concrete slab at each floor level, showing its position in relation to the site boundaries with clearly annotated offsets, must be carried out prior to concrete pour, and supplied to LAHC.
- (c) AT COMPLETION - Prior to occupation - A Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment, and showing its position with clearly annotated offsets. Any encroachments of the building over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act, 1919, with terms to the satisfaction of Council, must be provided. Easements burdening proposed or existing roads are not permitted.

**(67) TREE PROTECTION DURING CONSTRUCTION**

- (a) All trees adjacent to the southern boundary within 81-83 Bay Street and 7 Queen Street must be retained and protected in accordance with the Australian Standard 4970-2009 'Protection of trees on development sites'.
- (b) Any works (including excavation, construction and landscaping) located within 6 metres of the southern boundary must be undertaken under the direct supervision a Project Arborist who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework.
- (c) Any works (including excavation, construction and landscaping) located within 6 metres of the southern boundary must be undertaken in accordance with all directions given by the Project Arborist.
- (d) A quarterly Arboricultural Compliance Statement prepared by the Project Arborist must be submitted to Council's Area Planning Manger detailing the health and condition of all trees adjacent to the southern boundary. The statement must also detail any works that have occurred within 6 metres of the southern boundary and include evidence that the trees are being protected in accordance with AS4970-2009.

**(68) ELECTRICITY SUBSTATION**

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

**(69) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

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

**(70) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL**

- (a) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to the commencement of construction works associated with Blocks B and D, provided that Council shall not unreasonably withhold such approval. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (b) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

**UPON COMPLETION OF THE DEVELOPMENT**

- (c) Prior to occupation or the use commencing, whichever is earlier, LAHC must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

**SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(71) BASIX**

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to occupation.

**(72) 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.

**(73) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications".

**(74) 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.

**(75) HAZARDOUS AND INDUSTRIAL WASTE**

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

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

**(76) VEHICLE CLEANSING**

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

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

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.



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

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

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

#### **(79) 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**

Ms Michele Fraser, Mr Denis Doherty and Ms Emily Bullock addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.8.

### **ITEM 9.9**

#### **DEVELOPMENT APPLICATION: 36-38 WILSON STREET NEWTOWN (D/2015/1606)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 27 June 2016.

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

That the recommendation contained in the report to the Planning and Development Committee on 21 June 2016 be adopted, subject to the addition of the following new deferred commencement condition under Condition (1) – Design Modifications - in PART A – Deferred Commencement Conditions (Conditions to be Satisfied Prior to Consent Operating):

- (h) The basement must be amended to allow for a setback from the western side boundary (excluding the lift) of 2.4 metres. The fire egress stairs and driveway are to be switched and designed to minimise the extent of excavation required along the eastern side boundary in general accordance to Attachment A to the Memo dated 27 June 2016 from the Director City Planning, Development and Transport circulated prior to the meeting of Council.

The motion was carried on the following show of hands –

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

Noes (1) Councillor Scott.

Motion carried.

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

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1606, subject to the following:

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

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

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

**(1) DESIGN MODIFICATIONS**

- (a) The top floor must be deleted and the communal laundry and clothes drying facilities are to be relocated to the fourth storey. Details of any roof top plant (ie. air-conditioning units) are to be shown on the amended plans.
  - (b) The balconies on the northern elevation must be deleted.
  - (c) The roof top landscaping must be deleted.
  - (d) Privacy screens must be installed on the openings serving rooms 12, 13, 22, 23, 31, and 32 to prevent direct views into the existing openings within 30-34 Wilson Street.
  - (e) All boarding rooms with doors openings onto a balcony or courtyard must include a bank of operable louvres or windows to allow ventilation whilst the doors are closed.
  - (f) All boarding rooms must have kitchen facilities with a surface area of at least 1.3sqm (including stove tops and sinks).
  - (g) An amended materials and finishes schedule is required detailing the use of rendered or painted brickwork in lieu of the proposed replica timber tiles.
  - (h) The basement must be amended to allow for a setback from the western side boundary (excluding the lift) of 2.4 metres. The fire egress stairs and driveway are to be switched and designed to minimise the extent of excavation required along the eastern side boundary in general accordance to Attachment A to the Memo dated 27 June 2016 from the Director City Planning, Development and Transport circulated prior to the meeting of Council.
- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement condition, as indicated above, must be submitted to Council by within 24 months of the date of this determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (C) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- (D) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent:

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

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

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

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

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2015/1606, dated 6 November 2015, and the following drawings:

<b>Drawing Number</b>	<b>Drawing Title</b>	<b>Architect</b>	<b>Date</b>
A102 Rev. B	Basement	Legge & Legge Architects	14/12/2015
A103 Rev. B	Proposed Ground Floor	Legge & Legge Architects	14/12/2015
A104 Rev. B	Proposed Level 1	Legge & Legge Architects	14/12/2015
A105 Rev. B	Proposed Level 2	Legge & Legge Architects	14/12/2015
A106 Rev. C	Proposed Level 3	Legge & Legge Architects	23/03/2016
A107 Rev. C	Proposed Level 4	Legge & Legge Architects	23/03/2016
A108 Rev. B	Elevations	Legge & Legge Architects	14/12/2015
A109 Rev. C	Elevations	Legge & Legge Architects	23/03/2016
A109A Rev. B	Elevation	Legge & Legge Architects	14/12/2015
A127 Rev. B	Lift Section	Legge & Legge Architects	12/14/15
3	Landscaping Plan	Gardens with Class	15.12.2015

and as amended by Part A and the conditions of this consent.

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

**(2) RESETTLEMENT PLAN**

- (a) The applicant must comply with all recommendations contained within 'Response to Part 3 – AHSEPP 2009', prepared by Legge & Legge Architects, received at Council on 4 April 2016, in regards to the displacement of existing tenants.
- (b) Prior to the issue of any Construction Certificate, evidence that the applicant has complied with the requirements of (a) above must be submitted to and approved by the Certifying Authority.

**(3) ACCOMMODATION - REGISTRATION AND CARETAKER**

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

**(4) BOARDING HOUSE - USE AND OPERATION**

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

**(5) RESTRICTION ON STRATA SUBDIVISION**

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

**(6) NO SPEAKERS OR MUSIC OUTSIDE**

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

**(7) PLAN OF MANAGEMENT**

- (a) The Plan of Management (POM) accompanying this Development Application has not been approved by this consent.
- (b) A modified Plan of Management must be submitted to incorporate the conditions of this consent and to reflect the requirements in Section 4.4.1.7 of the Sydney DCP 2012.

- (c) The Plan of Management and House Rules are to specifically preclude smoking anywhere on the site (including balconies), the frequency of cleaning by private contractors, procedures relating to the removal of bulky good and waste collection, security and operational procedures relating to the use of the communal areas.
- (d) The Plan of Management must include the maximum occupancy of each room within the boarding house.
- (e) The boarding house use must always be operated/managed in accordance with the Boarding House Management Plan to be submitted for part (b) above.
- (f) The plan must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

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

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

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations outlined in Part 6 of the acoustic report prepared by Acoustic Noise & Vibration Solutions P/L, dated 14 September 2015, ref: 2015-432 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant\* (see definition below) to be in accordance with the requirements of the DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the PCA.
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

**(10) NOISE - GENERAL**

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:

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

#### **(11) APPROVED DESIGN ROOF - TOP PLANT**

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

**(12) ALLOCATION OF PARKING**

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

<b><i>Car Parking Type</i></b>	<b><i>Number</i></b>
Residential spaces	5
Accessible residential spaces	1
Motorcycle parking	7

**(13) BICYCLE PARKING AND END OF TRIP FACILITIES**

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

<b><i>Bicycle Parking Type</i></b>	<b><i>Number</i></b>	<b><i>Requirements</i></b>
Residential	7	Spaces must be a class 2 bicycle facilities

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

**(14) 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.

**(15) PARKING DESIGN**

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

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

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



**(17) SECURITY GATES**

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

**(18) VEHICLE FOOTWAY CROSSING**

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

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

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

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$3,165.42
Public Domain	\$34,698.93
New Open Space	\$284,866.42
Accessibility	\$2,847.96
Management	\$3,079.30
<b>Total</b>	<b>\$328,658.03</b>

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

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

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – March 2016

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

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

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

## **(20) COMPLIANCE WITH MATERIALS AND FINISHES SCHEDULE**

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications approved under Part A of this consent.

## **(21) LIGHTING**

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

## **SCHEDULE 1B**

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

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

**(22) 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.

**(23) 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.

**(24) 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.

**(25) STRUCTURAL CERTIFICATION FOR DESIGN – BCA**

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).

**(26) PHYSICAL MODELS**

- (a) Prior to a final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House.

**Note:**

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modelers must be consulted prior to construction of the model.

- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

**(27) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

- (a) Prior to an Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

**(28) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

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

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 30-34 Wilson Street, 40 Wilson Street and 1A Whateley Lane are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

**(30) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;

- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

### **(31) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM**

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifying Authority. The ESCP must:

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
- (b) Include a drawing(s) that clearly shows:
  - (i) location of site boundaries and adjoining roads
  - (ii) approximate grades and indications of direction(s) of fall
  - (iii) approximate location of trees and other vegetation, showing items for removal or retention
  - (iv) location of site access, proposed roads and other impervious areas
  - (v) existing and proposed drainage patterns with stormwater discharge points
  - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
  - (i) timing of works

- (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
- (iii) access protection measures
- (iv) nature and extent of earthworks, including the amount of any cut and fill
- (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
- (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
- (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
- (viii) frequency and nature of any maintenance program
- (ix) other site-specific soil or water conservation structures.

**(32) ROAD OPENING PERMIT**

A separate Road Opening Permit under Section 138 of the Roads Act 1993 must be obtained from Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

**(33) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE**

For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the Roads Act 1993 must be lodged with Council.

**(34) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and AS1668.2.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

### **(35) ALIGNMENT LEVELS – MAJOR DEVELOPMENT**

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

### **(36) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

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



- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.

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

- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

**(37) SYDNEY AIRPORT CORPORATION APPROVAL**

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

**(38) 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).

### **(39) PRESERVATION OF SURVEY MARKS**

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

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

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

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

**(40) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

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

**(41) STREET TREE PROTECTION**

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

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

- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding adjacent to any street 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.

#### **(42) STREET TREE PRUNING AND REMOVAL**

- (a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.
- (c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

#### **(43) ELECTRICITY SUBSTATION**

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

#### **(44) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

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

**(45) 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.

**(46) 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.

**(47) 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.

**(48) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

**SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(49) 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.

**(50) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT**

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

**(51) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT**

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of (EHO to specify hours)
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436- 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

**(52) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(53) 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.

**(54) 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.

**(55) 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.

**(56) HAZARDOUS AND INDUSTRIAL WASTE**

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

- (a) Protection of the Environment Operations Act 1997
- (b) Protection of the Environment Operations (Waste) Regulation 2014
- (c) Waste Avoidance and Resource Recovery Act 2001
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2011.

**(57) 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.

**(58) 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.

**(59) EROSION AND SEDIMENT CONTROL**

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

During the construction period:

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

**(60) STREET NUMBERING**

Prior to an Occupation Certificate being issued, a street number must be clearly displayed at the premises in accordance with the Policy on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

**(61) SYDNEY WATER CERTIFICATE**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation and be submitted to Council or the Principal Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

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

The following requirements apply:

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

**(63) 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.

**(64) 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.

**(65) BASIX**

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

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

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

**(67) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

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

**(68) HEALTH DATABASE REGISTRATION**

The business is to be registered with Council's Health and Building Unit prior to the issue of an Occupation Certificate, or the issue of an interim occupation certificate. Registration forms are available on Council's website [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au) or by calling Council's Health Unit on 02 9265 9333.

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

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

**SCHEDULE 2**

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

- |            |  |
|------------|--|
| 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>

### **SCHEDULE 3**

#### **Terms of Approval**

#### **Other Development Approvals**

The Terms of Approval as advised by the Department of Infrastructure and Regional Development are as follows:

1. The building must not exceed a maximum height of 53.8 metres (AHD), inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lighting rods, any roof top garden plantings, exhaust flues etc.
2. Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
3. At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.

#### **Speakers**

Mr Gary Cox, Ms Janet Clayton, Ms Cheryl Flynn, Mr David Bosler and Mr Tony Legge addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.9.

#### **ITEM 9.10**

#### **DEVELOPMENT APPLICATION: 126-196 DOWLING STREET WOOLLOOMOOLOO (D/2016/98)**

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 'Height of Buildings' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2016/98, subject to the conditions as detailed in the subject report.

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

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

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 'Height of Buildings' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2016/98, subject to the conditions as detailed in the subject report, subject to the amendment of Condition (24) such that it read as follows:

**(24) PUBLIC ART**

- (a) Final details of the proposed public art work on the Dowling Street ground floor elevation, including an interpretation of the local community significance of the site, murals, and/or the remnants of its former uses and incorporating fragments of the existing murals, is to be submitted to and approved by Council's Director City Planning, Development and Transport, provided that Council shall not unreasonably withhold such approval, prior to any building work commencing on site. The public artwork must be completed to Council's satisfaction within three months following occupation of the development.
- (b) The fragments of the existing murals be retained following the appropriate removal and storage prior to the commencement of construction to avoid damage and enable reuse within the public art work.

The motion was carried on the following show of hands –

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

Noes (1) Councillor Mandla.

Motion carried.

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

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 'Height of Buildings' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2016/98, 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 building works commencing on site and some are to be satisfied prior to occupation of the building, where indicated.

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2016/98 dated 29 January 2016 and amended 5 and 18 May 2016 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
A01A	Geoffrey Know, P. Kokuleraj, Peta Baker & Jolanta Debek-Kozyra	17/11/15
A02A	Geoffrey Know, P. Kokuleraj, Peta Baker & Jolanta Debek-Kozyra	17/11/15
A03B	Geoffrey Know, P. Kokuleraj, Peta Baker & Jolanta Debek-Kozyra	05/04/16
A04D	Geoffrey Know, P. Kokuleraj, Peta Baker & Jolanta Debek-Kozyra	18/05/16
A05D	Geoffrey Know, P. Kokuleraj, Peta Baker & Jolanta Debek-Kozyra	18/05/16
A06D	Geoffrey Know, P. Kokuleraj, Peta Baker & Jolanta Debek-Kozyra	18/05/16
A07D	Geoffrey Know, P. Kokuleraj, Peta Baker & Jolanta Debek-Kozyra	18/05/16
A08D	Geoffrey Know, P. Kokuleraj, Peta Baker & Jolanta Debek-Kozyra	18/05/16
A09A	Geoffrey Know, P. Kokuleraj, Peta Baker & Jolanta Debek-Kozyra	17/11/15

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
A10B	Geoffrey Know, P. Kokuleraj, Peta Baker & Jolanta Debek-Kozyra	05/04/16
A11C	Geoffrey Know, P. Kokuleraj, Peta Baker & Jolanta Debek-Kozyra	05/04/16

and as amended by the conditions of this consent.

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

## **(2) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The McElhone Street and Dowling Street facing balconies are to be reduced in depth so that no part of the balcony (or facade of the building) encroaches over the McElhone Street or Dowling Street footpath.
- (b) The openings facing the internal courtyard are to be maximised in size (area) to optimise the cross ventilation effectiveness whilst minimising overlooking between the internal facing units.
- (c) The finished floor level of the Dowling Street pedestrian and vehicle entries is to be 300mm above the invert of gutter directly adjacent to the southern side of the associated entries.
- (d) The finished floor level of the McElhone Street pedestrian entries is to be 400mm above the invert of gutter directly adjacent to the entries.
- (e) The external louvres to be detailed to confirm that they are adjustable and moveable, so as to maximise solar access into the units.

The modifications are to be detailed on the drawings and submitted to Council's Area Planning Manager prior to building works commencing on site.

## **(3) MATERIALS AND SAMPLES BOARD**

Materials, finishes and colours are to be in accordance with A11 Rev C dated 5 April 2016. The approved materials, finishes and colours are not to be substituted or changed without further prior approval of the Area Planning Manager, provided that Council shall not unreasonably withhold such approval.

## **(4) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 26.52 (AHD) to the top of the lift core and RL 26.16 (AHD) to the parapet of the building.

- (b) Prior to occupation of the development, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to Land and Housing Corporation.

**(5) FLOOR SPACE RATIO - ALL OTHER AREAS**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the residential use must not exceed 1.53:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area is 1,363.74sqm.
- (b) Prior to an occupation of the development, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to Land and Housing Corporation.

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

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

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

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

**(8) BICYCLE PARKING**

- (a) A minimum of 22 class 3 bicycle rails are to be provided for the development.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to Land and Housing Corporation prior to building works commencing on site.

**(9) PARKING DESIGN**

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to Land and Housing Corporation prior to building works commencing on site.

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

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

**(11) VEHICLE FOOTWAY CROSSING**

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

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

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

**(12) ASSOCIATED ROADWAY COSTS**

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

**(13) 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.

**(14) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) All apartments within the development must be used as permanent residential accommodation for the specific use of social and/or affordable housing for the NSW Land and Housing Corporation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.

- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of the development from “residential accommodation” as defined in Sydney Local Environmental Plan 2012 with the addition of including the terms ‘social and/or affordable housing’. The covenant is to be registered on title prior to occupation of the development. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

**(15) 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.

**(16) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO OCCUPATION**

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by DA Acoustic Assessment report prepared by SLR Consulting Australia Pty Ltd dated 17 November 2015 Ref 610.15777-R1 TRIM 2016/071424 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below.



- (b) Prior to building works commencing on site, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant\* (see definition below) to be in accordance with the requirements of the DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings and submitted to Land and Housing Corporation.
- (c) Prior to building works commencing on site, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to Land and Housing Corporation which verifies that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

#### **(17) AIR CONDITIONERS GENERALLY**

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring shall be fully concealed.

#### **(18) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS**

The air conditioner/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

- (a) Emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 10.00pm on any other day; or
- (b) Emit a sound pressure level that when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background ( $L_{A90, 15 \text{ minute}}$ ) by more than 5dB(A). The source and background noise level must be measured as an  $L_{Aeq 15 \text{ minute}}$  and  $L_{A90 15 \text{ minute}}$  in accordance with Australian Standard AS1055:1997, Acoustics – Description and measurement of environmental noise.

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

A site specific noise management plan shall be submitted to the Council for comment and approval, provided that Council shall not unreasonably withhold such approval, prior to issue of any works commencing on site.

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

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

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

- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

**(20) 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.

**SCHEDULE 1B**

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

Note: Prior to demolition and/or building works commencing on site, sufficient information must be forwarded to Land and Housing Corporation 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.

**(21) TREES APPROVED FOR REMOVAL**

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

Table 1 – Tree Removal:

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

Tree No	Botanical/Common Name	Location
2, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 23	Eucalyptus Microcorys/ Tallowwood	Lot 601

**(22) STREET TREE PROTECTION**

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

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

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

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

Prior to any works commencing, an archival photographic recording of the art murals on the terraced landscape wall and the southern elevation of the existing building immediately located to the north of Lot 601 is to be prepared.

One copy of the record is to be submitted to Council to be lodged with Council's Archives.

#### **Procedure**

For buildings or structures with heritage significance, the archival documentation, and the number of images required will be determined by the significance and quality of the building(s) or structure(s).

The recording is to include documentation of the site and its context, and the exteriors and interiors of the existing building(s), using a camera/lens capable of 'perspective correction'. Particular attention must be paid to fabric, elements, features, spaces and details that will be affected, modified or demolished.

The photographic recording is to be in digital form, prepared in accordance with the NSW Office of Environment & Heritage guidelines titled 'Photographic Recording of Heritage Items using Film or Digital Capture' <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/inforhotographicrecording2006.pdf>.

- (a) The Development Application number and the Condition of Consent number must be noted.
- (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (c) The digital images are to be taken with a minimum 8 megapixel camera, saved as JPEG, TIFF or PDF files with a file size of approximately 4-6MB each. Choose only images that are necessary to document the process, and avoid duplicate images. Each image is to be cross-referenced to location plans where each image was taken, and cross-referenced to an index table (catalogue sheet). Each image is to be appropriately named (with up to 20 characters) for ease of identification e.g. 01\_Ext\_WestElev, 15\_Int\_Bed1\_Fireplce.
- (d) 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.
- (e) The report is to be submitted on a USB flash drive, CD or DVD, in PDF/A format (created directly from the digital original), with the digital catalogue of images containing the following data for each: DOS title, image subject/description and date photograph taken.

#### **(24) PUBLIC ART**

- (a) Final details of the proposed public art work on the Dowling Street ground floor elevation, including an interpretation of the local community significance of the site, murals, and/or the remnants of its former uses and incorporating fragments of the existing murals, is to be submitted to and approved by Council's Director City Planning, Development and Transport, provided that Council shall not unreasonably withhold such approval, prior to any building work commencing on site. The public artwork must be completed to Council's satisfaction within three months following occupation of the development.

- (b) The fragments of the existing murals be retained following the appropriate removal and storage prior to the commencement of construction to avoid damage and enable reuse within the public art work.

**(25) 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, provided that Council shall not unreasonably withhold such approval, prior to building works commencing on site.

**(26) BASIX CERTIFICATE**

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 the plans presented to Land and Housing Corporation, and the items nominated as part of the subject BASIX certificate must be specified on the plans. – 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 plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.

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

Prior to building works commencing on site, 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 Land and Housing Corporation.

**(28) LAND REMEDIATION**

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Coffey Environments Australia Pty Ltd dated 10 February 2016 and referenced ENAURHOD04828AB-R01 rev 1 TRIM 2016/071448 and the Letter of Interim Advice prepared by Douglas Partners dated 10 February 2016 and referenced project N85264.00 TRIM 2016/071448. All remediation work carried out shall be conducted in accordance with the guidelines in force under the Contaminated Land Management Act 1997.

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

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

**(29) SITE AUDIT STATEMENT**

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

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

**(30) 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.

### **(31) CLASSIFICATION OF WASTE**

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



**(32) STOCKPILES**

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

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

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to Land and Housing Corporation. The ESCP must:

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
- (b) Include a drawing(s) that clearly shows:
  - (i) location of site boundaries and adjoining roads
  - (ii) approximate grades and indications of direction(s) of fall
  - (iii) approximate location of trees and other vegetation, showing items for removal or retention
  - (iv) location of site access, proposed roads and other impervious areas
  - (v) existing and proposed drainage patterns with stormwater discharge points
  - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
  - (i) timing of works
  - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
  - (iii) access protection measures
  - (iv) nature and extent of earthworks, including the amount of any cut and fill

- (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
- (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
- (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
- (viii) frequency and nature of any maintenance program
- (ix) other site-specific soil or water conservation structures.

### **(34) ALIGNMENT LEVELS – MAJOR DEVELOPMENT**

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

### **(35) PAVING MATERIALS**

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

### **(36) PRESERVATION OF SURVEY MARKS**

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

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

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

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

### **(37) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

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

### **(38) PUBLIC DOMAIN PLAN - MODIFICATIONS**

- (a) An amended, detailed Public Domain Plan must be prepared by an architect, urban designer, landscape architect or engineer to document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. The plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual) and must show the following information as a minimum:
  - (i) Update the Public Domain Plan to show an accurate reflection of the locations of all kerbs, pedestrian ramps, street trees and planted verges;
  - (ii) Make the following changes to the Public Domain Plan
    - a. Upgrade the footway material to be concrete
    - b. Upgrade pedestrian crossings where required to the current City of Sydney standard
    - c. Ensure the proposed vehicle crossover is detailed to the current City of Sydney standard

- (b) The Public Domain Plan must be lodged with Council's Public Domain Section and be approved by Council, provided that Council shall not unreasonably withhold such approval, prior any work commencing for public domain work or above ground building work, whichever is later.
- (c) The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to any public domain work commencing.
- (d) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before occupation of the development.
- (e) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.

The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

### **(39) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

- (a) Prior to any building works commencing for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section, provided that Council shall not unreasonably withhold such approval, in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification.

- (b) Prior to a Certificate of Completion being issued for public domain works and before occupation of the development, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period.

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

- (a) Prior to works commencing for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council, provided that Council shall not unreasonably withhold such approval. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to works commencing excluding any approved preparatory, demolition or excavation works.
- (c) Prior to occupation of the development, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to any works commencing for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.

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

- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

Prior to works commencing for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken by a suitably qualified drainage engineer and must be approved by Council, demonstrating how the development will be designed to ensure that the flow of post-development pollutants from the site due to stormwater will be reduced.

**(41) 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.

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

- (a) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager, provided that Council shall not unreasonably withhold such approval, prior to any building works commencing. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (b) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

**UPON COMPLETION OF THE DEVELOPMENT**

- (c) Prior to occupation of the development, Land and Housing Corporation must obtain Council's approval, provided that Council shall not unreasonably withhold such approval, of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

**(43) WASTE/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.

**(44) 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).

**(45) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE**

For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the Roads Act 1993 must be lodged with Council.

**(46) 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).

#### **(47) 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.

#### **(48) TELECOMMUNICATIONS PROVISIONS**

- (a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted to Land and Housing Corporation prior to building works commencing on site.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

#### **(49) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

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

#### **(50) LETTERBOXES**

All letterboxes are to be designed and constructed to be accessible from the public way. Details of the location and design of all letterboxes are to be submitted to and approved by Council, provided that Council shall not unreasonably withhold such approval, prior to building works commencing on site.



**(51) STREET ADDRESSES OF LOTS**

In accordance with Clause 60(c) of the Surveying and Spatial Information Regulation 2012, the street addresses for each lot must be shown on the final plan of subdivision. An application should be made to Council to obtain the correct street address for each lot.

**(52) NO STRATA SUBDIVISION**

No strata subdivision is approved as part of this consent.

**(53) SYDNEY TRAIN REQUIREMENT**

The development is to incorporate all measures recommended by an Electrolysis Expert as identified in a report to be prepared on the Electrolysis Risk to the development from stray currents. A copy of the report is to be provided to Land and Housing Corporation prior to building works commencing on site.

**(54) AUSGRID REQUIREMENTS**

Prior to works commencing on site the following Ausgrid requirements are to be met:

- (a) Any work undertaken near Overhead Power lines needs to be done in accordance with:
  - (i) WorkCover Document ISSC 23 "Working Near Overhead Power Lines"
  - (ii) Ausgrid Network Standards
  - (iii) Ausgrid Electrical Safety Rules
- (b) The location of underground cables by using Dial Before You Dig and comply with the requirements of Ausgrid's Network Standard 156: Working Near or Around Underground Cables before any excavation works are undertaken.
- (c) Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

**(55) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION**

- (a) Prior to occupation of the development, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;

- (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
- (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

## **SCHEDULE 1C**

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

#### **(56) 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.

**(57) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT**

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of:

8.00am - 12.00pm and 1.00pm - 4.00pm Monday to Friday

9.00am - 12.00pm and 1.00pm - 3.00pm Saturdays

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

**(58) HAZARDOUS AND INDUSTRIAL WASTE**

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

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

**(59) 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.

**(60) 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.

**(61) DRAINAGE AND SERVICE PIT LIDS**

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

**(62) PROTECTION OF STONE KERBS**

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

**(63) PUBLIC DOMAIN LIGHTING**

- (a) Prior to any works commencing for public domain works or above ground building works, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council, provided that Council shall not unreasonably withhold such approval. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, Sydney Streets Technical Specification and Public Domain Manual and must include the following:
- (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
  - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
  - (iii) Footing locations and structural details;
  - (iv) Location and details of underground electrical reticulation, connections and conduits;
  - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
  - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's Public Domain Manual before occupation of the development.

**(64) BASIX**

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to occupation of the development.

**(65) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(66) PROJECTIONS OVER PUBLIC ROAD**

The proposed sun shades attached to the building, shown overhanging the footways of Dowling Street and McElhone Street, must not overhang the alignments of those streets by more than 0.45m, and shall comply with the provisions of Schedule 4 ("Projections over or into public roads") of the Sydney Development Control Plan 2012.

**(67) 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 Land and Housing Corporation indicating the position of external walls in relation to the boundaries of the allotment.

**(68) 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.

**(69) EROSION AND SEDIMENT CONTROL**

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been submitted to Land and Housing Corporation must be implemented in full during the construction period.

During the construction period:

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

**(70) 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.

**(71) SYDNEY WATER CERTIFICATE**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

The Section 73 Certificate must be submitted to Council or Land and Housing Corporation prior to occupation of the building or subdivision/strata certificate being issued.

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

The following requirements apply:

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

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

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

**SCHEDULE 2**

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

**Speakers**

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

**ITEM 9.11****DEVELOPMENT APPLICATION: 100 HARRIS STREET PYRMONT (D/2016/70)**

It is resolved that:

- (A) pursuant to the provisions of Clause 7.20(3) of Sydney Local Environmental Plan 2012, Council waive the requirements for the preparation of a site specific development control plan, as it is considered to be unreasonable and unnecessary in this instance;
- (B) pursuant to the provisions of Clause 6.21 (5) of Sydney Local Environmental Plan 2012, Council waive the requirements for a competitive design process, as it is considered to be unreasonable and unnecessary in this instance; and
- (C) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, consent be granted to Development Application No. D/2016/70, 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/2016/70 dated 21 January 2016 and the following drawings:

Drawing Number	Architect	Date
DA-0200/05 Plan Level 00 to 03	SJB Architects	17.03.2016
DA-0201/05 Plan Level 04 to Roof	SJB Architects	17.03.2016
DA-0501/04 Elevation East and West	SJB Architects	20.01.2016
DA-0601/03 Section A Section B	SJB Architects	20.01.2016

and as amended by the conditions of this consent.



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

**(2) DESIGN MATERIALS**

The precise architectural details, materials and final external finishes of the building as it presents to Harris Street and Pymont Street must be submitted to and approved by the Council's Planning Area Manager prior to works commencing on site.

**(3) HOURS OF OPERATION – RETAIL USES**

The hours of operation of the new retail tenancy is restricted to between 7.00am and 7.00pm Monday to Friday, between 7.00am and 5.00pm Saturday and closed on Sundays and public holidays.

**(4) SIGNAGE STRATEGY**

- (a) A separate development application is to be submitted seeking approval of a signage strategy for the building for any proposed signs other than exempt and complying signs under the relevant SEPPs.
- (b) The signage strategy must be prepared with the input from the applicant's heritage consultant, and the development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.
- (c) The signage strategy must consider the signage strategy required under D/2015/1179.

**(5) CONSOLIDATION PLAN**

- (a) Prior to the issue of an Occupation Certificate, a plan of consolidation shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The lots to be consolidated must include the following: Lot 34 in DP85554, Lot 1 in DP66729, Lot 37 in DP77013, Lot 1 in DP62184 and Lot 1 in DP555734.
- (b) Evidence of lodgement with the Office of Land & Property Information NSW (LPI-NSW) must be provided to the PCA prior to the issue of the Occupation Certificate.

**(6) ALLOCATION OF PARKING**

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

<b>Car Parking Type</b>	<b>Number</b>
Office and business/commercial parking*	122
Accessible office and business/Visitor parking (minimum)	8
Retail parking (maximum)*	11
Car Share parking (minimum)	4
<b>Total</b>	<b>145</b>
Motorcycle parking	26
<b>Total**</b>	<b>171</b>

\*Note that: should the maximum number retail spaces not be required any unallocated retail spaces may be allocated for office and business/commercial parking.

\*\*Note that: 4 loading docks, and 1 MRV truck bay is approved for this site in previous NOD D/2015/1179.

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

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service car spaces, are not to be used at any time other than by an occupant or tenant of 100 Harris Street, Pymont.
- (b) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to section 88E of the Conveyancing Act 1919, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the Strata Titles (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the Strata Scheme.

**(8) RESTRICTION ON USE OF CAR PARKING SPACES AT 86-92 HARRIS STREET, PYRMONT**

The following conditions apply to car parking:

- (a) Any car parking spaces located at 86-92 Harris Street, Pymont shall not be used by an occupant, tenant or visitor of 100 Harris Street, Pymont.
- (b) Any future development of 86-92 Harris Street, Pymont shall not provide any car parking to service visitors or tenants of 100 Harris Street, Pymont.
- (c) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to section 88E of the Conveyancing Act 1919, to the effect of (a) and (b) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (d) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the Strata Titles (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the Strata Scheme.

**(9) CAR SHARE SPACES**

- (a) A minimum of four (4) car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised plan showing these spaces must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The car share spaces cannot be located on Level 02 as part of this restricted parking area.
- (d) The spaces must be made available to car share operators without a fee or charge.
- (e) The spaces must be sign posted for use only by car share vehicles and well lit.
- (f) The spaces must be accessible to members of the car share scheme at all times.
- (g) The car share spaces are to be available at the same time that the car park commences operation.

**(10) ALLOCATION FOR VISITOR PARKING**

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

All spaces must be clearly marked 'visitor' prior to the issue of an occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

**(11) ASSOCIATED ROADWAY COSTS**

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

**(12) 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.

**(13) 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.

**(14) ON SITE LOADING AREAS AND OPERATION**

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

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

**(15) PARKING DESIGN**

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

**(16) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 9.25m.

**(17) SIGNS AT EGRESS**

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

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

**(18) TRAFFIC WORKS**

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

**(19) VEHICLE FOOTWAY CROSSING**

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

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

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

**(20) AFFORDABLE HOUSING CONTRIBUTION - ULTIMO PYRMONT - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION**

The Affordable Housing Contribution is as follows:

- (a) Prior to a Construction Certificate being issued and pursuant to Sydney LEP 2012 and the adopted City West Affordable Housing Program, the applicant must pay a monetary contribution towards the provision of affordable housing. The contribution is \$32,221.32. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with the adopted City West Affordable Housing Program.
- (b) To make payment contact Councils Planning Assessment Unit email: [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) who will index the amount, then provide you with written confirmation of the amount payable and details of how to make the payment at the Department of Planning & Environment.
- (c) Payment can be made either by bank cheque to the value of the required contribution (made in favour of City West Housing Pty Ltd) or alternatively a satisfactory bank guarantee is to be provided to the value of the required contribution. Evidence of payment or lodgement of a bank guarantee must be provided to the certifying authority prior to issue of a construction certificate.
- (d) Prior to issue of an Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence to the certifying authority that the bank guarantee referred to in (c) above has been redeemed as payment of the contribution.

Note: All affordable housing contribution payments (and lodgement of bank guarantees) for Ultimo-Pyrmont are paid at the Department of Planning and Environment.

**(21) SECTION 94 CONTRIBUTION - ULTIMO PYRMONT**

A contribution under section 94 of the Environmental Planning and Assessment Act 1979 must be paid in accordance with the following:

**Cash Contribution Required**

- (a) In accordance with the adopted Ultimo Pyrmont Contributions Plan 1994 a cash contribution must be paid to Council in accordance with this condition.

**Amount of Contribution**

- (b) The amount of the contribution is \$22,371.06.

Note: The contribution may be indexed annually on or after 1st January of each year in accordance with Clause 19 of the plan.

**Purposes for which Contribution Required**

- (c) The contribution is required, and must be held and applied in accordance with the Act and the Ultimo Pyrmont Contributions Plan 1994, for the purposes, and in the proportions, set out as follows:
- (i) Open Space - 64%
  - (ii) Community Facilities - 9.5%
  - (iii) Roads and Associated Infrastructure - 26.2%
  - (iv) Administration - 0.3%

**Certification of Contribution**

- (d) Certification of the Section 94 Contribution calculation, including verification of gross floor area and resident/worker population as applicable, and indexation of the contribution in accordance with the Ultimo Pyrmont Contributions Plan 1994 (if applicable) must be submitted to and approved by Council, prior to a Construction Certificate being issued.

If the Construction Certificate is to be issued by a private Certifying Authority, they must seek Council's endorsement of the calculation prior to its issue.

**Timing of Payment**

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

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

**(22) USE - SEPARATE DA REQUIRED**

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

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

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

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

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

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

- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

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

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

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

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic, dated 10<sup>th</sup> July 2015, Ref: 20150885.1, (Council Ref TRIM 2015/429532), titled "Noise Impact Assessment", must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant\* (see definition below) to be in accordance with the requirements of the DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the PCA.
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA that the development complies with the requirements set out in the Report and in (a) and (b) above.

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



**(26) 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.

**(27) 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.

**(28) WASTE MANAGEMENT**

At all times waste and recycling receptacles shall be stored on the property.

**(29) EXTERNAL LIGHTING TO HARRIS STREET AND PYRMONT STREET**

- (a) The applicant shall upgrade the existing Ausgrid lighting to comply with the requirements of AS1158.1.1 Category V3 on the roadway and AS1158.3.1 Category P1 along footpaths to both street frontages immediately adjoining the site boundaries.
- (b) A minimum 4 lux vertical illuminance is required along Pyrmont Street frontage.

**(30) UNDER AWNING LIGHTING**

Illumination from the under awning lighting, when measured from any place in the public domain, must comply with the following:

- (a) the horizontal luminance level must not exceed 200 lux (including reflectivity from exterior finishes). The lux level may be increased to 220 lux in some areas in Central Sydney CBD;
- (b) the horizontal illuminance uniformity ratio ( $E_{avg}/E_{min}$ ) must not exceed 4:1 to ensure safe movement of pedestrians;
- (c) the intensity, colour, period of intermittency and hours of illumination must be varied if, at any time in the opinion of the Council, adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting is being caused to the amenity of the area;
- (d) where nearby residents are located above the level of the under awning lighting, details are to be provided to show that light is not directed upwards toward such residences; and
- (e) batten type fluorescent lighting is not permitted to be used for under awning lighting.

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

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

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

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

**(32) STRUCTURAL CERTIFICATION**

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design prepared by a qualified practising structural engineer and in accordance with Class A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 buildings) must be submitted to Council and Ausgrid to the satisfaction of the PCA.

**(33) GENERAL HERITAGE**

- (a) The proposed works including connections to the Heritage Item 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 [Select: timber joinery, steel-framed, monel metal, bronze or brass-framed].
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

**(34) USE OF HERITAGE CONSULTANT**

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

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

**(35) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

- (a) As the site has been identified as having archaeological potential, an Archaeological Assessment, is to be prepared by a suitably experienced and qualified archaeologist in accordance with the guidelines of the Heritage Division of NSW Government Office of Environment and Heritage, and submitted to the satisfaction of Council's Heritage Specialist, prior to the issue of a construction certificate or commencement of works on site, whichever is the earliest.
- (b) The report is to identify the archaeological potential of the site and assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. It should also recommend measures and documentation to be undertaken during the process of excavation work.
- (c) Depending on the findings of the archaeological assessment the applicant may need to apply to the NSW Heritage Division of NSW Government Office of Environment for an excavation permit under Section 140 of the Heritage Act 1977.
- (d) Should any potential archaeological deposit likely to contain Aboriginal objects be identified during the planning or historical assessment stage, an application will need to be made by a suitably qualified archaeologist to the NSW Government Office of Environment and Heritage for an excavation permit for Aboriginal objects.
- (e) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development programme.

- (f) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (g) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (h) 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.
- (i) 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 issue of an Occupational Certificate.

**(36) BRIEFING OF CONTRACTORS AND SUBCONTRACTORS**

All contractors and subcontractors involved in the construction works are to be briefed on the heritage significance of the adjoining Wool store prior to the work commencing. This is to form part of the on-site induction programme for all workers on site.

**(37) SANDSTONE RECYCLING (FOR LARGE SCALE DEVELOPMENTS INVOLVING EXCAVATION TO A DEPTH OF AT LEAST ONE BASEMENT LEVEL)**

- (a) A Geotechnical Report prepared by a suitably qualified geotechnical engineer is to be submitted to Councils' Urban Design and Heritage Manager prior to the issue of the Construction Certificate. The report is to include an investigation of the nature of the existing subsurface profile using appropriate investigation methodology and borehole testing techniques.
- (b) The Geotechnical Report is to analyse the quality of the material, including contamination, and to assess the suitability of the rock for removal by cutting into quarry blocks for use as high quality building construction material, including for building conservation.
- (c) Subject to confirmation that the rock is of a suitable quality for reuse in other construction, the Geotechnical Report is to include an Excavation Work Method Statement with recommendations as to the depth of the most suitable profile, details excavation methodologies, cutting methods and procedures for the removal of all sandstone material in a useable form and size, noise and dust attenuation measures in addition to recommendations for monitoring, notifications and review.

- (d) In addition, details of any required storage of material off site must be submitted. If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is 'Yellow Block' sandstone required for conservation of buildings, the material must be stored in an appropriate location for later reuse. Storage may be able to be facilitated by the Council or the NSW Department of Commerce. Please contact the Manager Centenary Stonework Program at the NSW Department of Finance and Services on 9372 8526 for further enquiries with regard to storage.
- (e) The programming of the works is to take into account, the above process.

### **(38) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 77-89 Pyrmont Street, Pyrmont are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.
- (b) The Structural Report and Proposed Excavation for the Car Park Building prepared by M & G Consulting Engineers Pty Ltd dated 20 March 2015 shall be lodged with the Certifying Authority prior to the issue of a Construction Certificate.

#### UPON COMPLETION OF EXCAVATION/DEMOLITION

- (c) A second Dilapidation Report for 77-89 Pyrmont Street, Pyrmont and the Heritage Item identified in (b) above, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

### **(39) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

All works including demolition and remedial works must be undertaken in accordance with the Construction Environmental Management Plan (CEMP) prepared by Citi 100 Pty Ltd dated August 2015 for the site.

**(40) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

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

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifying Authority. The ESCP must:

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.

- (b) Include a drawing(s) that clearly shows:
  - (i) location of site boundaries and adjoining roads
  - (ii) approximate grades and indications of direction(s) of fall
  - (iii) approximate location of trees and other vegetation, showing items for removal or retention
  - (iv) location of site access, proposed roads and other impervious areas
  - (v) existing and proposed drainage patterns with stormwater discharge points
  - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
  - (i) timing of works
  - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
  - (iii) access protection measures
  - (iv) nature and extent of earthworks, including the amount of any cut and fill
  - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
  - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
  - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
  - (viii) frequency and nature of any maintenance program
  - (ix) other site-specific soil or water conservation structures.

#### **(42) EMISSIONS**

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.



**(43) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN**

All recommendations contained in the Acid Sulphate Soils Management Plan, Report E22660 AA Rev.0 prepared by Environmental Investigations, dated 13 August 2015 must be implemented.

**(44) 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.

#### **(45) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT**

- (a) All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Assessment Report prepared by Environmental Investigations Australia Ref. E22496AA dated 16 April 2016 must be complied with.
- (b) Prior to Occupation Certificate, certification must be submitted to the Certifying Authority from a certified Occupational Hygienist (Australian Institute of Occupational Hygienists) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the Hazardous Material Survey Report and that the site is safe for occupation in accordance with the approved use.

#### **(46) CLASSIFICATION OF WASTE**

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

#### **(47) IMPORTED FILL MATERIALS**

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

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

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

**(48) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

**(49) REGISTRATION OF COVENANT**

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

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

**(50) STOCKPILES**

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

**(51) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

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

- (a) A separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding; and the conditions of approval (Permit) granted including:
- (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
  - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
  - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
  - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
  - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
  - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
  - (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews any part of the device over the public road, a separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (Work Health and Safety Regulation 2011).

**(53) BARRICADE PERMIT**

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

**(54) 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).

**(55) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

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

**(56) ELECTRICITY SUBSTATION**

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed.

The size and location of the substation is shown on DA-0200/05 Plan Level 00 to 03 prepared by SJB Architects dated 17.03.2016 and shall be submitted for approval of Ausgrid, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

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

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

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

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

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

- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (f) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
  - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

## **(59) STREET TREE PROTECTION**

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

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;

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

#### **(60) STREET TREE PRUNING**

- (a) Arboricultural Assessment and Pruning Plan prepared by 'Botanics Tree Wise People Pty Ltd' dated November 2015 is not approved.
- (b) A Pruning Specification prepared by a Consulting Arborist (minimum AQF Level 5) must be submitted to and approved by Council's Area Planning Manager prior to the issuing of the Construction Certificate. The report must include number of branches and orientation, branch diameter, percentage of live canopy to be removed. This information must also be detailed on photo/s of each tree.
- (c) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

#### **(61) TREE ROOT INVESTIGATION**

- (a) Exploratory root investigation must be undertaken by a qualified Arborist (minimum AQF Level 5) at the following locations prior to the issuing of the Construction Certificate:
  - (i) Along the edge of the new crossovers on Harris Street and Pyrmont Street; and



- (ii) Within the property along the eastern and western boundary
- (b) The root investigation shall consist of carefully removing asphalt and hand digging a trench to expose tree roots to a minimum depth of 600mm below the existing grade.
- (c) An assessment of tree root size, number and condition must be provided (including photos) in a report and submitted to Council's Area Planning Manager for approval prior to the issuing of the Construction Certificate;
- (d) The design method for the new driveway, crossover and basement shall be amended if any large structural roots (greater than 50mm diameter) are identified which cannot be pruned without adversely impacting on the tree. The amended design shall ensure that the long term health and satiability of the tree is not compromised by the works;
- (e) Any root pruning which has been approved by Council must be undertaken by a qualified Arborist with a minimum AQF level 3.

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

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

**(63) 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.

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

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

**(65) CAR PARK VENTILATION**

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

**(66) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and AS1668.2.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

**(67) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION**

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

**(68) PUBLIC DOMAIN DAMAGE DEPOSIT**

A Public Domain Damage Deposit calculated on the basis of 49.32 lineal metres of asphalt (24.66 lineal metres for Harris Street and 24.66 lineal metres for Pyrmont Street) site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

**(69) PUBLIC DOMAIN PLAN**

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

#### **(70) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

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

#### **(71) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

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

**(72) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

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

**(73) PRESERVATION OF SURVEY MARKS**

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

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

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

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

**(74) DRAINAGE AND SERVICE PIT LIDS**

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

**(75) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the Harris Street and Pymont Street frontages of the site are to be retained and properly protected during excavation and construction works.

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

#### **(76) PUBLIC DOMAIN LIGHTING**

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

- (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
  - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

**(77) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

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

**(78) 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.

**(79) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste Management Plan prepared by Elephants Foot Recycling Solutions dated 5 August 2015 accompanying this Development Application has been approved by this consent.
- (b) 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.

**(80) 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.

**(81) PHYSICAL MODELS**

- (a) Prior to a final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modelers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

**(82) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

- (a) Prior to an Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

**SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(83) 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.

**(84) SYDNEY WATER CERTIFICATE**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation and be submitted to Council or the Principal Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

**(85) 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.

**(86) MONITORING OF DEWATERING VOLUMES**

- (a) Daily monitoring of dewatering volumes shall be maintained by the applicant throughout the construction period in accordance with the Groundwater Take Assessment Report prepared by EI Australia dated 24 March 2016.
- (b) The monitoring data collected as specified in (a) above shall be reported to the Department of Primary Industries - Water and Council's Planning Area Manager upon completion of the basement levels.



- (c) Should groundwater inflows be encountered beyond that identified in the Groundwater Take Assessment Report prepared by EI Australia dated 24 March 2016 all basement works shall cease and the Department of Primary Industries- Water and Council shall be notified and approval be obtained from the Department of Primary Industries- Water and Council's Planning Area Manager prior to work continuing.

Note: General Terms of Approval may be imposed should changes be encountered for the dewatering volumes.

**(87) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT**

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

**(88) HAZARDOUS AND INDUSTRIAL WASTE**

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

- (a) Protection of the Environment Operations Act 1997
- (b) Environment Operations (Waste) Regulation 2014
- (c) Waste Avoidance and Resource Recovery Act 2001
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2011.

**(89) 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.

**(90) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

**(91) LOADING MANAGEMENT PLAN**

- (a) A Loading Management Plan is to be prepared and submitted to Council and approved, prior to issue of an Occupation Certificate.
- (b) The Plan is to be prepared for distribution to relevant users outlining how the loading dock will be managed and used by all relevant tenants, not just the retail. The Plan must include, but is not limited to, management of deliveries to ensure vehicles are not waiting on public streets to enter the site.

- (c) Once approved, this management plan is to be provided to all relevant tenants and external users of the loading area.

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

The following requirements apply:

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

#### **(93) COVERING OF LOADS**

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

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

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

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

The following requirements apply:

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

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

**(96) SAFE ACCESS PLAN FOR BICYCLE PARKING**

The applicant must submit a way finding plan showing all the signage and line marking to the bicycle facilities. This might include illuminated signage where appropriate. Entry location to the bicycle parking facilities should be clearly marked by sign and arrows on the ground or on the roof, where appropriate. Refer to Australian Standard AS 2890.3:2015 for details. These plans must be submitted to and approved by Council prior to the Construction Certificate being issued.

**(97) GREEN TRAVEL PLAN**

A Green Travel Plan must be submitted to and approved by Council prior to the Occupation Certificate for the site/use being granted.

Note: It is recommended the applicant review information on Council's website about preparing Travel Plans. The applicant may also contact a member of the Transport and Access Unit, to discuss the Green Travel Plan prior to its submission.

**(98) TRANSPORT ACCESS GUIDE**

A Transport Access Guide (TAG) must be implemented and maintained by the operator/s of the premises to inform patrons about accessing the site by sustainable transport options including public transport, taxis, cycling and walking or a combination of these modes. A Transport Access Guide (TAG) Implementation Plan including the following shall be submitted to and approved by Council prior to the issue of an Occupation Certificate for the site/use:

- (a) An outline of all components and communication methods of the Transport Access Guide including but not limited to website/digital information, promotion by staff such as with phone bookings, printed material such as media or letterbox advertising, etc. Copies of any relevant printed material should be submitted with the Implementation Plan, and
- (b) Methods by which the various components of the Transport Access Guide will be communicated to staff and made available to customers.

Note: For further information about a preparing a Transport Access Guide, please refer to:

<http://www.transport.nsw.gov.au/sites/default/files/b2b/publications/transport-access-guide.pdf>

**(99) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(100) 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.

**(101) 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.

**(102) 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.

**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 98E Conditions relating to shoring and adequacy of adjoining property

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

Carried unanimously.

**ITEM 9.12****DEVELOPMENT APPLICATION: 87 PARRAMATTA ROAD CAMPERDOWN (D/2015/1888)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 27 June 2016.

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

It is resolved that:

- (A) the variation sought to Clause 4.3 building height in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012 be supported;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1888, subject to the following:

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

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

**(1) DESIGN MODIFICATIONS**

The applicant is to submit amended plans depicting the following modifications:

- (a) The Church Street elevation must be amended to consist of 3 vertical modules, with each module consisting of the same material.
  - (b) The shopfront of the tenancy adjacent Church Street must be amended to incorporate new solid masonry elements that are designed so as to align with the vertical modules that define the upper levels of the elevation.
  - (c) The horizontal windows on the Church Street elevation must be amended to match the vertically proportioned windows on the same elevation.
  - (d) The residential entry lobbies must consist of clear glazing.
  - (e) The decorative fixed aluminium screen must be deleted.
  - (f) The artwork on the western elevation must be deleted.
- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement condition, as indicated above, must be submitted to Council by within 24 months of the date of this determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;

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

## **PART B - CONDITIONS OF CONSENT**

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

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the conditions of consent as detailed in Schedules 1A, 1B, 1C and Schedule 2 of the subject report, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

Carried unanimously.

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

It is resolved that:

- (A) the variation sought to Clause 4.3 building height in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012 be supported;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1888, subject to the following:

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

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

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

#### **(1) DESIGN MODIFICATIONS**

The applicant is to submit amended plans depicting the following modifications:

- (a) The Church Street elevation must be amended to consist of 3 vertical modules, with each module consisting of the same material.
- (b) The shopfront of the tenancy adjacent Church Street must be amended to incorporate new solid masonry elements that are designed so as to align with the vertical modules that define the upper levels of the elevation.

- (c) The horizontal windows on the Church Street elevation must be amended to match the vertically proportioned windows on the same elevation.
  - (d) The residential entry lobbies must consist of clear glazing.
  - (e) The decorative fixed aluminium screen must be deleted.
  - (f) The artwork on the western elevation must be deleted.
- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement condition, as indicated above, must be submitted to Council by within 24 months of the date of this determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (D) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent:

## **PART B - CONDITIONS OF CONSENT**

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

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

### **SCHEDULE 1A**

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

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

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

- (a) Development must be in accordance with Development Application No. D/2015/188, dated 22 December 2015, and the following drawings:

<b>Drawing Number</b>	<b>Drawing Title</b>	<b>Architect</b>	<b>Dated</b>
A01 Rev. G	Basement & Ground Floor Plan	Architects Becerra	5/4/16

<b>Drawing Number</b>	<b>Drawing Title</b>	<b>Architect</b>	<b>Dated</b>
A02 Rev. J	Level 1 & 2 Floor Plan	Architects Becerra	5/4/16
A03 Rev. J	Level 3 & 4 Floor Plan	Architects Becerra	5/4/16
A04 Rev. I	Level 5 & Roof Terrace	Architects Becerra	5/4/16
A06 Rev. G	Section AA	Architects Becerra	5/4/16
A07 Rev. D	Section BB	Architects Becerra	5/4/16
A08 Rev. E	North Elevation	Architects Becerra	5/4/16
A09 Rev. D	South Elevation	Architects Becerra	5/4/16
A010 Rev. E	East Elevation	Architects Becerra	5/4/16
A011 Rev. D	West Elevation	Architects Becerra	5/4/16
A13 Rev. B	Sample Board & Finishes	Architects Becerra	5/4/16
A22 Rev. A	Details	Architects Becerra	30/11/15
L/00	Cover Sheet	A Total Concept Landscape Architects	29/04/16
L/01	Proposed Level 4 & Roof Terrace Plans and Sections	A Total Concept Landscape Architects	29/04/16

and as amended by Part A and the conditions of this consent.

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

**(2) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 43.30 (AHD) to the top of the lift overrun.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

**(3) FLOOR SPACE RATIO - ALL OTHER AREAS**

The following applies to Floor Space Ratio:

- (a) The Gross Floor Area of the development must not exceed 828sqm, calculated in accordance with Sydney Local Environmental Plan 2012.



- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

**(4) BICYCLE PARKING AND END OF TRIP FACILITIES**

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

<b><i>Bicycle Parking</i></b>	<b><i>Number</i></b>	<b><i>Requirements</i></b>
Residential	13	Spaces must be a Class 2 bicycle locker
Residential visitor	2	Spaces must be Class 3 bicycle rails

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

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

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

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$6,446.48
Public Domain	\$12,429.47
New Open Space	\$102,041.70
Accessibility	\$1,020.16
Management	\$1,103.03
<b>Total</b>	<b>\$123,040.85</b>

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

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

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – March 2016.

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

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

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

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

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

#### **(8) USE OF COMMON AREAS AND FACILITIES**

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

#### **(9) LIGHTING**

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

#### **(10) AIR CONDITIONERS GENERALLY**

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:

- (a) Not be located on awnings or attached to the face of the building

- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring shall be fully concealed.

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

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

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic, dated 27th April 2016, ref 20151076.1/2704A/R3/JL, titled "87 Parramatta Road - Camperdown" must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant\* (see definition below) to be in accordance with the requirements of the DA acoustic report prepared by Acoustic Logic dated 27th April 2016, ref 20151076.1/2704A/R3/JL, titled "87 Parramatta Road - Camperdown".
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

**(13) NO SPEAKERS OR MUSIC OUTSIDE**

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

**(14) NOISE - GENERAL**

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:

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

**(15) SIGNAGE**

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

**(16) NUMBER OF ADULTS PER ROOM**

- (a) No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (b) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.

**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.

**(17) HAZARDOUS MATERIALS SURVEY REQUIRED**

A Hazardous Materials Survey Report must be prepared by a certified occupational hygienist (Australian Institute of Occupational Hygienists) and submitted to the satisfaction of the Council's Area Planning Manager prior to any demolition/excavation works commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

**(18) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT**

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Assessment Report approved by the City's Area Planning Manager must be complied with.

Prior to Occupation Certificate, certification must be submitted to the Certifying Authority from a certified Occupational Hygienist (Australian Institute of Occupational Hygienists) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the Hazardous Material Survey Report approved by the Council and that the site is safe for future occupation in accordance with the approved use.

**(19) LAND REMEDIATION**

- (a) Prior to the removal of the ground floor slab and the issuing of a Construction Certificate for the commencement of works associated with the built form of the development (excluding building work directly related to remediation) a Detailed Environmental Site Investigation is to be carried out by a suitably qualified and competent environmental consultant and submitted to the Area Planning Manager for further review in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated Land Management Act 1997 and SEPP 55 "Remediation of Land" confirming that the site is suitable (or will be suitable, after remediation) for the proposed use.

Note: Where the Detailed Environmental Site Investigation concludes that the site is suitable for the proposed use, it is to be peer reviewed by a NSW EPA Accredited Site Auditor and a Site Audit Statement submitted to the Area Planning Manager certifying that the site is suitable for the proposed use

- (b) Where the Detailed Environmental Site Investigation states that the site requires remediation, a Remedial Action Plan (RAP) is to be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and the Contaminated Land Management Act 1997 and submitted to the Area Planning Manager for approval prior to the issue of a Construction Certificate for works associated with the built form of the development (excluding building work directly related to remediation). The RAP must also be peer reviewed by a Site Auditor and a letter of Interim advice or Section B Site Audit Statement obtained from the Auditor confirming the RAP is practical and that the site will be made suitable for the proposed use on implementation of the RAP.
- (c) The site is to be remediated and validated in accordance with the Remedial Action Plan approved by Council and the Site Auditor. All remediation work carried out shall be conducted in accordance with the guidelines in force under the Contaminated Land Management Act 1997.

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

- (d) If required by (b) above, prior to the commencement of works associated with the built form of the development (excluding building work directly related to remediation) a Section A Site Audit Statement is to be obtained from a NSW EPA Accredited Site Auditor and is to be submitted to Council's Area Planning Manager.

The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use:

- (i) Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these should be reviewed and approved by Council before the Site Audit Statement is issued. In circumstances where the Site Audit Statement conditions (if applicable) are inconsistent with the consent, a Section 96 application pursuant to the Environmental Planning & Assessment Act 1979 shall be submitted to ensure that they form part of the consent conditions.
- (ii) If a Site Audit Statement is required, an Occupation Certificate must not be issued by the PCA unless a Site Audit Statement has been submitted to and approved the City in accordance with this condition.

## **(20) 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.

## **(21) ADAPTABLE HOUSING**

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant:

- (a) Confirming that 1 residential unit is able to be adapted for people with a disability in accordance with the Building Code of Australia.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299,

is to be submitted to the Certifying Authority.

## **(22) 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.

### **(23) GEOTECHNICAL REPORT AND CERTIFICATION**

Prior to commencement of any foundation or bulk excavation, a Geotechnical Report must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority).

### **(24) 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.



**(25) 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.

**(26) 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.

**(27) OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD**

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, a separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 must be made to Council to obtain approval.

Note: Building maintenance unit means a power operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (Work Health and Safety Regulation 2011).

**(28) 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).

**(29) PHYSICAL MODELS**

- (a) Prior to a final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modelers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

**(30) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

- (a) Prior to an Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

**(31) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

**(32) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

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

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

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

- (a) Subject to the receipt of permission of the affected landowner, a dilapidation report, including a photographic survey of 89 Parramatta Road are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

**(34) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (f) Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

### **(35) EROSION AND SEDIMENT CONTROL**

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifying Authority. The ESCP must:

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
- (b) Include a drawing(s) that clearly shows:
  - (i) location of site boundaries and adjoining roads
  - (ii) approximate grades and indications of direction(s) of fall
  - (iii) approximate location of trees and other vegetation, showing items for removal or retention
  - (iv) location of site access, proposed roads and other impervious areas
  - (v) existing and proposed drainage patterns with stormwater discharge points

- (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
  - (i) timing of works
  - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
  - (iii) access protection measures
  - (iv) nature and extent of earthworks, including the amount of any cut and fill
  - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
  - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
  - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
  - (viii) frequency and nature of any maintenance program
  - (ix) other site-specific soil or water conservation structures.

### **(36) ROAD OPENING PERMIT**

A separate Road Opening Permit under Section 138 of the Roads Act 1993 must be obtained from Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

### **(37) PERMITS FOR WORK REQUIRING THE USE OF A PUBLIC PLACE**

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 Works Zone, hoisting activity over a public road, temporary works and / or road openings must be obtained from Council prior to the commencement of work.

For further details please contact Council's Traffic Works Coordinator or the Traffic Operations Team on (02) 9265-9333 or email [twc@cityofsydney.nsw.gov.au](mailto:twc@cityofsydney.nsw.gov.au)

**(38) CLASSIFICATION OF WASTE**

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

**(39) IMPORTED FILL MATERIALS**

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

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

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

**(40) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

**(41) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

Prior to a Construction Certificate being issued, an archival photographic recording of the 87 Parramatta Road is to be prepared to Council's satisfaction. The recording is to be digital only, 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 digital copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to include the following:

- (a) A report in A4 format submitted in PDF format created directly from the digital original. The report is to include:

- (i) Development Application number, project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
  - (ii) A digital catalogue of images containing the following data for each: DOS title, image subject/description and date photograph taken.
  - (iii) Photographic base plans that clearly indicate the location and direction from which images were taken.
  - (iv) 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.
- (b) Include electronic images taken with a minimum 8 megapixel camera, saved as JPEG files of a size of approximately 4-6 megabytes (MB). Each digital image is to be labelled so as to enable the cross reference to the digital catalogue sheets and base plans.
- NOTE: Choose only images that are necessary to document the place and avoid duplicate images.
- (c) The report and the images are to be submitted on a USB, CD or DVD.

**(42) LANDSCAPING OF THE SITE**

All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

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

- (a) Proposed building floor levels, basement levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's Public Domain Manual and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on the City's website).

- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

#### **(44) LETTERBOXES**

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

#### **(45) PUBLIC DOMAIN PLAN**

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.



- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

#### **(46) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

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

#### **(47) PRESERVATION OF SURVEY MARKS**

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

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

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

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

**(48) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

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

**(49) 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.

**(50) DRAINAGE AND SERVICE PIT LIDS**

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

**(51) PROTECTION OF STONE KERBS**

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

- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

## **(52) PUBLIC DOMAIN DAMAGE DEPOSIT**

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

The guarantee must be lodged with Council prior to a Construction Certificate being issued.

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

## **(53) PUBLIC DOMAIN LIGHTING**

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

- (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
  - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

#### **(54) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

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

#### **(55) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

- (a) Prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work a detailed drainage engineering design, calculations and design for the stormwater overland flow path for the development must be:
- (i) prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and
  - (ii) prepared in accordance with the City of Sydney's Stormwater Drainage Manual, technical specifications, standards and policies, as amended from time to time; and
  - (iii) submitted to and be approved by the City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.
- (b) For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges.
- (i) The application must be approved by the City of Sydney prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.
  - (ii) All proposed connections to the City's underground drainage system require the owner to enter into a Deed of Agreement with the City of Sydney and obtain registration on Title of a Positive Covenant prior to any Occupation Certificate being issued, including an Interim Occupation Certificate.

**On-site Detention**

- (c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with.
  - (i) Evidence of the approval by Sydney Water of the detailed design of the on-site detention must be submitted to and be accepted by the City of Sydney and a copy of the City's letter of acceptance must be provided to the Principal Certifying Authority prior to a Construction Certificate being issued, excluding for any approved preparatory, demolition or excavation works.
  - (ii) Prior to the issue of an Occupation Certificate, including an Interim Occupation Certificate, a Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

**Stormwater Quality Assessment**

- (d) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent); and
- (iii) demonstrate through reports, design plans and calculations, what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
  - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.
- (iv) include certification from a suitably qualified practicing professional that the requirements of parts d) (i), (ii) and (iii) of this condition have been met.

Prior to the issue of an Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and be approved by the Principal Certifying Authority and a copy provided to the City of Sydney.

### **Completion / Works-as-Executed Documentation**

- (e) Prior to a Certificate of Completion being issued by the City of Sydney for stormwater drainage works:
  - (i) All works for the disposal of stormwater and drainage are to be implemented in accordance with the approved plans, City of Sydney technical specifications. Standards and policies, approval letters and the requirements of this consent.
  - (ii) a Works-As-Executed survey, prepared, signed and dated by a Registered Surveyor, must be submitted to and be accepted by the City of Sydney. The plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;
  - (iii) Electronic works-as-executed (as-built) details, certifications, warranties, inspection reports (including Closed Circuit Television reports) and associated documentation for the completed work must be prepared and certified by a suitably qualified hydraulic engineer, in accordance with the requirements of the City of Sydney's technical specifications, the Public Domain Manual, the Stormwater Drainage Manual, the conditions of this consent and all letters of approval issued by the City of Sydney for works in the public domain, and must be submitted to and be accepted by the City of Sydney.
  
- (f) Prior to the issue of the first Occupation Certificate, including an Interim Occupation Certificate, or before the use commences (whichever is earlier):
  - (i) A copy of the City's Certificate of Completion for all stormwater and drainage work undertaken in the public domain must be provided to the Principal Certifying Authority;
  - (ii) a Works-As-Executed survey, must be prepared, signed, dated and certified by a Registered Surveyor and must be submitted to and be accepted by the Principal Certifying Authority. The Works-as-Executed plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;
  - (iii) a Hydraulic Compliance Certificate and Calculation Sheet must be prepared by a suitably qualified hydraulic engineer (minimum NER), showing approved versus installed hydraulic calculations, and must be submitted to and be accepted by the Principal Certifying Authority;

- (iv) evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance Certificate and Calculation Sheet must be provided to the Principal Certifying Authority;
- (v) The Principal Certifying Authority must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.

**(56) ACOUSTIC PRIVACY BETWEEN UNITS**

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

**(57) 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).

#### **(58) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED**

A separate application must be made to Council or an accredited certifier to obtain approval of the Strata Plan and issue of a Strata Certificate under the Strata Schemes (Freehold Development) Act 1973.

#### **(59) ELECTRICITY SUBSTATION**

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

#### **(60) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:



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

**(61) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to commencement of the commercial use the tenancy owner must ensure that there is a contract with a licensed contractor for the removal of all waste, associated with the commercial tenancies. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

**(62) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

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**

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.

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

- (a) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (b) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

**UPON COMPLETION OF THE DEVELOPMENT**

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

**(64) 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.

**(65) 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.

**(66) 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.

**(67) INTERNAL LIGHTING SYSTEM**

The proposed internal lighting system for the commercial 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.

**(68) TELECOMMUNICATIONS PROVISIONS**

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

**(69) MECHANICAL VENTILATION**

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

**(70) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION**

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

**(71) LANDSCAPING OF THE SITE**

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground building works. The plan must include:
  - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
  - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
  - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);

- (iv) Details of planting procedure and maintenance;
- (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

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

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

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

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

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

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

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

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

**SCHEDULE 1C**

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

**(74) BASIX**

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

**(75) 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.

#### **(76) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT**

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of (EHO to specify hours)
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436- 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

#### **(77) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT**

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

#### **(78) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(79) 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.

**(80) SURVEY**

- (a) **AT FOUNDATION STAGE** - All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.
- (b) **DURING CONSTRUCTION** - Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying & Spatial Information Act 2002, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries. This survey shall be provided to the PCA prior to the concrete pour. The concrete pour must not take place until the PCA receives a survey proving that the formwork has been constructed within the existing and proposed boundaries of the site.
- (c) **AT COMPLETION** – Prior to the issue of an Occupation Certificate or Interim Occupation Certificate a Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment. Any encroachments of the building over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act 1919, with terms to the satisfaction of Council, must be provided.

**(81) 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.

**(82) EROSION AND SEDIMENT CONTROL**

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

During the construction period:

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

### **(83) DUST MANAGEMENT**

All reasonable and feasible steps must be taken to ensure that dust from activities conducted on site is kept to a minimum. This includes the covering and wetting down of disturbed soils.

### **(84) HAZARDOUS AND INDUSTRIAL WASTE**

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

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

### **(85) 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.

### **(86) STREET NUMBERING**

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

### **(87) SYDNEY WATER CERTIFICATE**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.



Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

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

The following requirements apply:

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

#### **(89) 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.

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

The following requirements apply:

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

**(91) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

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

**(92) STOCKPILES**

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

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

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

**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 Jonathon Ward, Ms Juliet Bennett and Mr Albert Becerra addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.12.

### ITEM 9.13

#### **DEVELOPMENT APPLICATION: 73-75 PARRAMATTA ROAD CAMPERDOWN (D/2015/1749)**

It is resolved that:

- (A) the variation sought to Clause 4.3 building height in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012 be supported; and
- (B) consent be granted to Development Application No. D/2015/1749, 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/2015/1749, dated 3 December 2015, and the following drawings:

<b>Drawing Number</b>	<b>Drawing Title</b>	<b>Architect</b>	<b>Dated</b>
A01 Rev. C	Site Plan	Architects Becerra	8/10/15
A02 Rev. I	Ground & Level 1 Floor Plan	Architects Becerra	19/04/16
A03 Rev. H	Level 2 & 3 Floor Plan	Architects Becerra	19/04/16

<b>Drawing Number</b>	<b>Drawing Title</b>	<b>Architect</b>	<b>Dated</b>
A04 Rev. I	Level 4 & 5 Floor Plan	Architects Becerra	19/04/16
A05 Rev. H	Level 6 & Roof Plan	Architects Becerra	8/10/15
A06 Rev. I	Sections	Architects Becerra	19/04/16
A07 Rev. I	Sections	Architects Becerra	19/04/16
A08 Rev. I	Elevations	Architects Becerra	19/04/16
A09 Rev. I	Elevations	Architects Becerra	19/04/16
A11 Rev. C	Sample Board & Specification of Finishes	Architects Becerra	19/10/15
A12 Rev. C	Sample Board & Specification of Finishes	Architects Becerra	19/10/15
LP01 Issue B	Landscape Plan – Level 01	Architects Becerra	11/02/16

and as amended by the conditions of this consent.

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

## **(2) DESIGN MODIFICATIONS**

The design of the development must be modified as follows:

- (a) The studio and 1 Bedroom dwellings (Units 7 & 8 and Units 12 & 13 respectively) on levels 2 and 3 must be combined to create 2 Bedroom dwellings. The amendments must ensure that each 2 Bedroom dwelling has a balcony of at least 10sqm and that their northern elevation must not project beyond the northern edge of the balcony of the adjoining dwelling.
- (b) The projecting blade wall on the southeast corner of 'BED 1' of Units 1, 5, 10 and 15 must be deleted.
- (c) The windows serving 'BED 2' of Units 1, 5, 10 and 15 must be amended to operable highlight windows, with a minimum sill height of 1.6 metres above the finished floor level.
- (d) The openings in the northern elevation of the mansard roof serving Units 17 & 18, shown on drawing titled Sections (A06), are to be widened to match the width of the openings as shown on drawing titled Level 6 & Roof Plan (A05). In addition, a north facing window serving the bedroom of each unit must be installed within the widened openings.

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

**(3) FLOOR SPACE RATIO**

The following applies to Floor Space Ratio:

- (a) The Gross Floor Area of the development must not exceed 1,613.10sqm, calculated in accordance with Sydney Local Environmental Plan 2012.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas in the development, utilising the definition under Sydney LEP 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

**(4) BUILDING HEIGHT**

- (a) The height of the development must not exceed RL 43.12 (AHD) to the top of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

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

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

**(6) USE - SEPARATE DA REQUIRED**

A separate consent for the fitout and use of ground floor commercial tenancy must be submitted approved prior to that fitout or use commencing.

**(7) SIGNAGE**

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

**(8) PLANT EQUIPMENT**

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

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

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

**(10) AIR CONDITIONERS GENERALLY**

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring shall be fully concealed.

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

The following conditions apply to car parking:

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

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

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

**(13) ALLOCATION OF PARKING**

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

<b>Car Parking Type</b>	<b>Number</b>
Residential spaces	7
Accessible residential spaces	1
<b>Total</b>	<b>8</b>

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

A minimum of 26 bicycle parking spaces must be provided. The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.

**(15) SIGNS AT EGRESS**

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

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

**(16) TRAFFIC WORKS**

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

**(17) VEHICLE FOOTWAY CROSSING**

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

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

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

**(18) ASSOCIATED ROADWAY COSTS**

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

**(19) COST OF SIGNPOSTING**

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

**(20) 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.

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

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

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

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

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

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



<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$14,621.00
Public Domain	\$28,190.75
New Open Space	\$231,436.45
Accessibility	\$2,313.79
Management	\$2,501.74
<b>Total</b>	<b>\$279,063.73</b>

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

Contributions at Time of Payment = C x CPI2 / CPI1

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – December 2015.

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

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

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

## **(24) 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.

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic dated 10th February 2016, ref 20150409.1/1002A/R2/JD, titled “73-75 Parramatta Road - Camperdown” must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.

- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant\* (see definition below) to be in accordance with the requirements of the DA acoustic report prepared by Acoustic Logic, dated 10th February 2016, ref 20150409.1/1002A/R2/JD, titled "73-75 Parramatta Road - Camperdown".
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

## **(26) LIGHTING**

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

## **(27) NUMBER OF ADULTS PER ROOM**

- (a) No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (b) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.

## **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.

**(28) HAZARDOUS MATERIALS SURVEY REQUIRED**

A Hazardous Materials Survey Report must be prepared by a certified occupational hygienist (Australian Institute of Occupational Hygienists) and submitted to the satisfaction of the Council's Area Planning Manager prior to any demolition/excavation works commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

**(29) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT**

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Assessment Report approved by the City's Area Planning Manager must be complied with.

Prior to Occupation Certificate, certification must be submitted to the Certifying Authority from a certified Occupational Hygienist (Australian Institute of Occupational Hygienists) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the Hazardous Material Survey Report approved by the Council and that the site is safe for future occupation in accordance with the approved use.

**(30) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

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

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

**(32) ADAPTABLE HOUSING**

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant:

- (a) Confirming that 2 residential units are able to be adapted for people with a disability in accordance with the Building Code of Australia; and
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299,

is to be submitted to the Certifying Authority.

**(33) ASBESTOS REMOVAL WORKS**

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

The site notice board must include the following:

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

**(34) 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.

**(35) 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.

**(36) 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.

**(37) STRUCTURAL CERTIFICATION FOR DESIGN**

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).

**(38) PHYSICAL MODELS**

Prior to a final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House.

**Note:**

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

**(39) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

- (a) Prior to an Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

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

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 69-71 Parramatta Road & 77-79 Parramatta Road are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

**(41) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;



- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (f) Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

#### **(42) EROSION AND SEDIMENT CONTROL**

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifying Authority. The ESCP must:

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
- (b) Include a drawing(s) that clearly shows:
  - (i) location of site boundaries and adjoining roads
  - (ii) approximate grades and indications of direction(s) of fall
  - (iii) approximate location of trees and other vegetation, showing items for removal or retention
  - (iv) location of site access, proposed roads and other impervious areas
  - (v) existing and proposed drainage patterns with stormwater discharge points
  - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
  - (i) timing of works

- (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
- (iii) access protection measures
- (iv) nature and extent of earthworks, including the amount of any cut and fill
- (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
- (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
- (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
- (viii) frequency and nature of any maintenance program
- (ix) other site-specific soil or water conservation structures.

#### **(43) 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).

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

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

#### **(45) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

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

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

**(46) CLASSIFICATION OF WASTE**

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

**(47) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

**(48) IMPORTED FILL MATERIALS**

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

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

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

**(49) LANDSCAPING OF THE SITE**

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

- (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
  - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
  - (iv) Details of planting procedure and maintenance;
  - (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

#### **(50) MECHANICAL VENTILATION**

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

#### **(51) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION**

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

#### **(52) ALIGNMENT LEVELS**

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.

- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's Public Domain Manual and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

**(53) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

#### **(54) PROTECTION OF STONE KERBS**

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

#### **(55) PRESERVATION OF SURVEY MARKS**

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

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

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

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

**(56) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

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

**(57) LETTERBOXES**

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

**(58) STORMWATER AND DRAINAGE**

- (a) Prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work a detailed drainage engineering design, calculations and design for the stormwater overland flow path for the development must be:
- (i) prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and
  - (ii) prepared in accordance with the City of Sydney's Stormwater Drainage Manual, technical specifications, standards and policies, as amended from time to time; and
  - (iii) submitted to and be approved by the City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.
- (b) For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges.

- (i) The application must be approved by the City of Sydney prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.
- (ii) All proposed connections to the City's underground drainage system require the owner to enter into a Deed of Agreement with the City of Sydney and obtain registration on Title of a Positive Covenant prior to any Occupation Certificate being issued, including an Interim Occupation Certificate.

### **On-site Detention**

- (c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with.
  - (i) Evidence of the approval by Sydney Water of the detailed design of the on-site detention must be submitted to and be accepted by the City of Sydney and a copy of the City's letter of acceptance must be provided to the Principal Certifying Authority prior to a Construction Certificate being issued, excluding for any approved preparatory, demolition or excavation works.
  - (ii) Prior to the issue of an Occupation Certificate, including an Interim Occupation Certificate, a Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

### **Stormwater Quality Assessment**

- (d) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent); and
- (iii) demonstrate through reports, design plans and calculations, what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;



- b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.
- (iv) include certification from a suitably qualified practicing professional that the requirements of parts d) (i), (ii) and (iii) of this condition have been met.

Prior to the issue of an Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and be approved by the Principal Certifying Authority and a copy provided to the City of Sydney.

#### **Completion / Works-as-Executed Documentation**

- (e) Prior to a Certificate of Completion being issued by the City of Sydney for stormwater drainage works:
- (i) All works for the disposal of stormwater and drainage are to be implemented in accordance with the approved plans, City of Sydney technical specifications. Standards and policies, approval letters and the requirements of this consent.
  - (ii) a Works-As-Executed survey, prepared, signed and dated by a Registered Surveyor, must be submitted to and be accepted by the City of Sydney. The plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;
  - (iii) Electronic works-as-executed (as-built) details, certifications, warranties, inspection reports (including Closed Circuit Television reports) and associated documentation for the completed work must be prepared and certified by a suitably qualified hydraulic engineer, in accordance with the requirements of the City of Sydney's technical specifications, the Public Domain Manual, the Stormwater Drainage Manual, the conditions of this consent and all letters of approval issued by the City of Sydney for works in the public domain, and must be submitted to and be accepted by the City of Sydney.
- (f) Prior to the issue of the first Occupation Certificate, including an Interim Occupation Certificate, or before the use commences (whichever is earlier):
- (i) A copy of the City's Certificate of Completion for all stormwater and drainage work undertaken in the public domain must be provided to the Principal Certifying Authority;

- (ii) a Works-As-Executed survey, must be prepared, signed, dated and certified by a Registered Surveyor and must be submitted to and be accepted by the Principal Certifying Authority. The Works-as-Executed plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;
- (iii) a Hydraulic Compliance Certificate and Calculation Sheet must be prepared by a suitably qualified hydraulic engineer (minimum NER), showing approved versus installed hydraulic calculations, and must be submitted to and be accepted by the Principal Certifying Authority;
- (iv) evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance Certificate and Calculation Sheet must be provided to the Principal Certifying Authority;
- (v) The Principal Certifying Authority must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.

**(59) ACOUSTIC PRIVACY BETWEEN UNITS**

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

**(60) 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).

#### **(61) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

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

**(62) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED**

A separate application must be made to Council or an accredited certifier to obtain approval of the Strata Plan and issue of a Strata Certificate under the Strata Schemes (Freehold Development) Act 1973.

**(63) ELECTRICITY SUBSTATION**

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

**(64) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

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

**(65) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to the commencement of the commercial use the tenancy owner must ensure that there is a contract with a licensed contractor for the removal of all waste, associated with the commercial tenancy. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

**(66) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

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**

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.

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

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

**UPON COMPLETION OF THE DEVELOPMENT**

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

**(68) 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.

**(69) 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.

**(70) 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.

**(71) INTERNAL LIGHTING SYSTEM**

The proposed internal lighting system for the commercial 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.

**(72) TELECOMMUNICATIONS PROVISIONS**

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

**(73) LANDSCAPING OF THE SITE**

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground building works. The plan must include:
  - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
  - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
  - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
  - (iv) Details of planting procedure and maintenance;
  - (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

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

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

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

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

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

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

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

**SCHEDULE 1C**

**DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION**

**(76) BASIX**

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

**(77) 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.

**(78) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT**

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of:
  - (i) 9:00am -12:00pm and 1:00 pm– 4:30pm Mondays to Friday
  - (ii) 9:00am – 1:00pm on Saturdays
  - (iii) No work is permitted on Sundays or Public Holidays
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436- 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

**(79) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT**

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

**(80) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(81) 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.

**(82) SURVEY**

- (a) AT FOUNDATION STAGE - All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.
- (b) DURING CONSTRUCTION - Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying & Spatial Information Act 2002, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries. This survey shall be provided to the PCA prior to the concrete pour. The concrete pour must not take place until the PCA receives a survey proving that the formwork has been constructed within the existing and proposed boundaries of the site.
- (c) AT COMPLETION – Prior to the issue of an Occupation Certificate or Interim Occupation Certificate a Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment. Any encroachments of the building over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act 1919, with terms to the satisfaction of Council, must be provided.

**(83) 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.

**(84) EROSION AND SEDIMENT CONTROL**

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

During the construction period:

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

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

**(85) DUST MANAGEMENT**

All reasonable and feasible steps must be taken to ensure that dust from activities conducted on site is kept to a minimum. This includes the covering and wetting down of disturbed soils.

**(86) 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.

**(87) STREET NUMBERING**

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

**(88) SYDNEY WATER CERTIFICATE**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

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

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.

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

#### **(90) 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.

#### **(91) 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.

#### **(92) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued. A copy of the Fire Safety Certificate must be submitted to Council if it is not the Principal Certifying Authority.

**(93) STOCKPILES**

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

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

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

**(95) HAZARDOUS AND INDUSTRIAL WASTE**

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

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

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

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

- |            |  |
|------------|--|
| Clause 98  | Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 |
| Clause 98A | Erection of signs  |
| Clause 98B | Notification of Home Building Act 1989 requirements  |
| Clause 98C | Conditions relating to entertainment venues  |

Clause 98D Conditions relating to maximum capacity signage

Clause 98E Conditions relating to shoring and adequacy of adjoining property

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

Carried unanimously.

### Speakers

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

### ITEM 9.14

#### DEVELOPMENT APPLICATION: 59-63 BOTANY ROAD WATERLOO (D/2015/1915)

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); and
- (B) consent be granted to Development Application No. D/2015/1915, 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/2015/1915 dated 24 December, 2016 and the following drawings:

Drawing Number	Architect	Date
DA-0101 – Site Location Context Plan – Rev.03	SJB Architects	14 March, 2016
DA-0201 – Floor Plan: Basement – Rev.05	SJB Architects	14 March, 2016
DA-0202 – Floor Plan: Ground – Rev.07	SJB Architects	14 March, 2016

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA-0203 – Floor Plan: Level 1 – Rev.06	SJB Architects	14 March, 2016
DA-0204 – Floor Plan: Level 2 – Rev.06	SJB Architects	14 March, 2016
DA-0205 – Floor Plan: Level 3 – Rev.06	SJB Architects	14 March, 2016
DA-0206 – Floor Plan: Roof – Rev.06	SJB Architects	14 March, 2016
DA-0500 – Elevation: East and West – Rev.05	SJB Architects	14 March, 2016
DA-0501 – Elevation: North and South – Rev.05	SJB Architects	14 March, 2016
DA-0600 – Section A – Rev.03	SJB Architects	14 March, 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) SECTION 94 SOUTHERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006**

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$90,450.99
Public Domain	\$55,712.59
New Open Space	\$434,099.67
New Roads	\$110,249.07
Accessibility	\$4,572.68
Management	\$4,944.12
<b>Total</b>	<b>\$700,029.13</b>

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

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

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - [insert latest quarter and year].

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

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

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

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

- (a) The height of the building must not exceed RL 31.170 (AHD) to the top of the parapet on the Cope Street building and RL 30.570 (AHD) to the top of the parapet of the Botany Road building. The lift overruns must not exceed RL 33.550 (AHD) for the Botany Road building and RL 34.150 (AHD) for the Cope Street 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) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The pedestrian entrance on Botany Road is to be located closer to the property boundary with the letterboxes located behind any security gate;
- (b) The ground floor Cope Street frontage is to be designed with precise architectural details to ensure a positive streetscape contribution is made;
- (c) The third floor windows to Botany Road and Cope Street nominated as being 'fixed aluminium framed windows' located within the 'glass boxes' are to be converted to operable windows; and



- (d) Proposed lift overruns and parapets which breach the 15m height limit are to be designed as a decorative roof feature. No further increase in height is permitted.

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

**(5) FLOOR SPACE RATIO - ALL OTHER AREAS**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the development is not to exceed 1.75:1 calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Area in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

**(6) MATERIALS AND SAMPLES BOARD**

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

**(7) USE - SEPARATE DA REQUIRED**

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

**(8) AIR CONDITIONERS GENERALLY**

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring shall be fully concealed.

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

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

**(10) REFLECTIVITY**

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

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

Details of the treatment of the external walls on the northern and southern boundary must be submitted to and approved by the Area Planning Manager prior to the Construction Certificate being issued. Any work is required to be completed prior to the Occupation Certificate being issued or the commencement of the use, whichever is earlier.

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

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

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

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

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

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

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan prepared in accordance with Condition (12).
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

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

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic, dated 26/11/15, ref 20151442.1/2611A/R0/OF, titled 59-63 Botany Road, Waterloo DA Acoustic Assessment (The Report), TRIM: Exhibition Document 2015/685739, Acoustic Report 26112015.pdf\_Part1 24/12/2015 at 7:19 AM must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.

- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant\* (see definition below) to be in accordance with the requirements of the DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority which addresses the following requirements:
- (i) Section 5.1- The consultant has provided rating background noise levels to be in accordance with the NSW EPA and City of Sydney requirements. As the consultant advises that the proposal can comply with the planning noise performance limits determined on the basis of this information, the City reserves its rights under the EP&A Act assess operational requirements against these levels. i.e Table 5 of the Report.
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of South Area Planning Manager that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

#### **(15) 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.

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

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

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

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.

- (c) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

#### **(16) ALLOCATION FOR VISITOR PARKING**

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

All spaces must be clearly marked 'visitor' prior to the issue of an occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

#### **(17) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

#### **(18) ALLOCATION OF PARKING**

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

Car Parking Type	Number
Residential spaces	14
Accessible residential spaces	6
Residential visitor spaces	5
Retail parking	1
<b>Subtotal</b>	<b>26</b>
Service vehicle spaces (accommodate at least a B99 vehicle)	1
<b>Total</b>	<b>27</b>

### (19) ASSOCIATED ROADWAY COSTS

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

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

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

Bicycle Parking Type	Number	Requirements
Residential	40	Spaces must be a class 2 bicycle facility
Residential visitor	5	Spaces must be Class 3 bicycle rails
Non-residential	2	Spaces must be Class 2 bicycle facilities
Non-residential visitor	1	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	2	

Notes:

- (i) Australian Standard AS 2890.3:2015 refers to class 1 as class 'A', class 2 as class "B", and class 3 as class 'C'.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities.

**(21) CHANGES TO KERB SIDE PARKING RESTRICTIONS**

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: It is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

**(22) ROAD OCCUPANCY LICENCE**

A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Botany Road during construction activities.

**(23) COST OF SIGNPOSTING**

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

**(24) INTERCOM FOR VISITORS**

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

**(25) ON SITE LOADING AREA**

The proposed loading area on Cope Street is not to be used for the parking of a vehicle and the corresponding vehicle crossover is to be removed. This must be detailed on the Public Domain Plan as detailed in Condition (62) and in accordance with Condition (26).

**(26) VEHICLE FOOTWAY CROSSING**

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



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

**(27) PARKING DESIGN**

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

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

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

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

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

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

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

**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.

**(31) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

**(32) 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.

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

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of No.49-57 Botany Road, Waterloo and No.65 Botany Road, Waterloo are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

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

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifying Authority. The ESCP must:

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
- (b) Include a drawing(s) that clearly shows:
- (i) location of site boundaries and adjoining roads
  - (ii) approximate grades and indications of direction(s) of fall
  - (iii) approximate location of trees and other vegetation, showing items for removal or retention
  - (iv) location of site access, proposed roads and other impervious areas
  - (v) existing and proposed drainage patterns with stormwater discharge points

- (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
  - (i) timing of works
  - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
  - (iii) access protection measures
  - (iv) nature and extent of earthworks, including the amount of any cut and fill
  - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
  - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
  - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
  - (viii) frequency and nature of any maintenance program
  - (ix) other site-specific soil or water conservation structures.

**(35) STORMWATER DISCHARGE**

Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to Roads and Maritime for approval, prior to the commencement of works on site.

Details should be forwarded to:

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

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 88492114 or Fax: 88492766.

**(36) ROADS AND MARITIME APPROVAL**

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

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

The report and any enquiries should be forwarded to:

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.  
Telephone 8849 2114  
Fax 8849 2766

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

### **(37) UTILITY ADJUSTMENTS**

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

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

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground building works. The plan must include:
  - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
  - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
  - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
  - (iv) Details of planting procedure and maintenance;
  - (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

**(39) ACOUSTIC PRIVACY BETWEEN UNITS**

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

**(40) FLOOR TO CEILING HEIGHT**

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

**(41) NUMBER OF ADULTS PER ROOM**

- (a) No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (b) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.

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

- (a) Prior to a Construction Certificate being issued, an acoustic assessment report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Certifying Authority demonstrating compliance with the requirements of the Sydney DCP 2012 in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.
- (b) In the preparation of the report:
  - (i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;

- (ii) The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
  - (iii) The LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed must be shown.
- (c) Prior to an Occupation Certificate being issued, a Compliance Certificate from a qualified, practicing acoustic engineer must be submitted to the satisfaction of the Principal Certifying Authority, certifying compliance with the condition.

#### **(43) LAND SUBDIVISION – SEPARATE DA REQUIRED**

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

#### **(44) SYDNEY WATER CERTIFICATE (QUICK CHECK)**

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

#### **(45) TELECOMMUNICATIONS PROVISIONS**

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

#### **(46) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.



- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

**(47) EMISSIONS**

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

**(48) 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.

#### **(49) CLASSIFICATION OF WASTE**

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

#### **(50) DISCHARGE OF CONTAMINATED GROUNDWATER**

Prior approval must be sought from the City's Public Domain Department to discharge any groundwater into the City's stormwater drainage system.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**(51) IMPORTED FILL MATERIALS**

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

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

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

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

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Environmental Investigations dated 18 December 2015 and referenced E22749 AB\_Rev0 and the Letter of Interim Advice prepared by J M Nash Accredited Site Auditor dated 23 March 2016 and referenced 85395.00.R.001Rev0. All remediation work carried out shall be conducted in accordance with the guidelines in force under the Contaminated Land Management Act 1997.

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

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

**(53) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

**(54) SITE AUDIT STATEMENT**

Prior to the issue of a Construction Certificate, a Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor is to be submitted to the Area Planning Manager. The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and clearly state that site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

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

#### **(55) STOCKPILES**

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

#### **(56) UNDERGROUND STORAGE TANK REMOVAL**

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

#### **(57) 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).

#### **(58) ALIGNMENT LEVELS – MAJOR DEVELOPMENT**

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.

- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's Public Domain Manual and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

#### **(59) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

**(60) PRESERVATION OF SURVEY MARKS**

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

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

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

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

**(61) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

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

**(62) PUBLIC DOMAIN PLAN**

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).

- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

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

- (a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification.



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

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

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

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

- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (f) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
  - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

#### **(65) 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.

#### **(66) DRAINAGE AND SERVICE PIT LIDS**

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

#### **(67) PUBLIC DOMAIN DAMAGE DEPOSIT**

A Public Domain Damage Deposit calculated on the basis of 8 lineal metres of asphalt paving site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

#### **(68) PUBLIC DOMAIN LIGHTING**

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

#### **(69) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

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

**(70) 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) 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.
- (b) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (c) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

**(71) STREET TREE PRUNING**

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

**SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(72) PHYSICAL MODELS**

- (a) Prior to a final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modelers must be consulted prior to construction of the model.

- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

**(73) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

- (a) Prior to an Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

**(74) BASIX**

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

**(75) 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.

#### **(76) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT**

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

#### **(77) 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.

**(78) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION**

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

**(79) COVERING OF LOADS**

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

**(80) EROSION AND SEDIMENT CONTROL**

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

During the construction period:

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

**(81) VEHICLE CLEANSING**

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

**(82) STREET NUMBERING – MAJOR DEVELOPMENT**

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

**(83) 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.

**(84) SYDNEY WATER CERTIFICATE**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

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

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

**SCHEDULE 2**

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

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



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

Carried unanimously.

#### **ITEM 9.15**

#### **DEVELOPMENT APPLICATION: 202-210 ELIZABETH STREET SURRY HILLS (D/2015/1693)**

It is resolved that Development Application No. D/2015/1693 be refused for the following reasons:

- (1) The proposed development has an FSR of 3.7:1 and contravenes the maximum Floor Space Ratio (FSR) control of 3.6:1, permitted under Clause 29(1)(c)(ii) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP (Affordable Rental Housing) 2009). The proposal does not provide the minimum required number of motorcycle parking spaces under Clause 30(1)(h) of the SEPP (Affordable Rental Housing) 2009. A written justification has not been submitted seeking exception to the development standards for FSR and motorcycle parking and cannot be supported in accordance with Clauses 4.6(3) and 4.6(4) of the Sydney Local Environmental Plan 2012 (the Sydney LEP 2012). There is no reasonable environmental justification to contravene the FSR and motorcycle parking controls, as the proposal is for a new building.
- (2) The proposed development is excessive in bulk and scale, and is inconsistent with the proportions and character of immediately adjoining buildings, particularly the adjoining heritage item. The proposal exceeds the maximum storeys control, does not complement the character of the neighbourhood, does not achieve the provisions for design excellence and is an over development of the site. The proposal does not satisfy the provisions under Clause 30A of the SEPP (Affordable Rental Housing) 2009, Clauses 5.10 and 6.1 of the Sydney LEP 2012, and Sections 3.9.5(1) and (3), and 4.2.1.1 of the Sydney Development Control Plan 2012 (the Sydney DCP 2012).
- (3) The proposed development does not provide adequate internal amenity, particularly insufficient floor to ceiling heights and communal facilities. The proposal will not support flexibility of uses for the ground floor retail tenancy or provide adequate internal amenity for future occupants of the boarding house. The proposal does not satisfy the provisions under Sections 4.2.1.2, 4.4.1.2, 4.4.1.3, 4.4.1.4 and 4.4.15 of the Sydney DCP 2012.
- (4) A BASIX Certificate has not been submitted in accordance with the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The proposal is categorised as a development that requires a BASIX certificate and no exceptions are permitted under Clause 10 of the SEPP.

Carried unanimously.

**ITEM 9.16****DEVELOPMENT APPLICATION: 556-560 CLEVELAND STREET MOORE PARK - SYDNEY BOYS AND GIRLS HIGH SCHOOLS (D/2016/413)**

It is resolved that consent be granted to Development Application No. D/2016/413, subject to the following conditions:

**SCHEDULE 1****Approved Development/Design Modifications/Covenants and Contributions/Use and Operation****(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2016/413 dated 7 April 2016 and the following drawings:

<b>Drawing Number</b>	<b>Revision</b>	<b>Architect</b>	<b>Date</b>
AR-DA-1101	A	TKD Architects	2 March 2016
AR-DA-3001	A	TKD Architects	2 March 2016
AR-DA-3002	A	TKD Architects	2 March 2016
AR-DA-3003	A	TKD Architects	2 March 2016
AR-DA-2002	A	TKD Architects	2 March 2016
AR-DA-2004	A	TKD Architects	2 March 2016
AR-DA-2001	A	TKD Architects	2 March 2016
AR-DA-2003	A	TKD Architects	2 March 2016
AR-DA-2005	A	TKD Architects	2 March 2016
AR-DA-3101	A	TKD Architects	2 March 2016
AR-DA-3102	A	TKD Architects	2 March 2016
AR-DA-1103	B	TKD Architects	21 March 2016
AR-DA-1102	B	TKD Architects	21 March 2016
3365.GC.01	C	Environmental Partnership	10 April 2016
3365.GC.02	C	Environmental Partnership	10 April 2016
3365.GC.03	C	Environmental Partnership	10 April 2016
3365.GC.05	C	Environmental Partnership	10 April 2016

and as amended by the conditions of this consent.

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

**(2) DESIGN MODIFICATIONS**

The removal of Tree 6 is only approved if internal diagnostic testing is undertaken by a Consulting Arborist (minimum AQF Level 5) and is included in a detailed report which demonstrates that the tree requires removal for Arboricultural reasons. The report must be submitted to and approved by Council's Area Planning Manager prior to issue of the Crown Certificate.

Otherwise, the alignment of the driveway must be amended to allow for the retention of Tree 6 – Jacaranda. The design must ensure that the driveway is installed on or above the existing ground level.

**(3) PRIVATE EVENT HIRE**

The building must not be used for private events for more than 52 days per calendar year, whether consecutive or not.

**(4) MAXIMUM CAPACITY OF PERSONS**

(a) The maximum number of persons (including staff, patrons and performers) permitted in the building at any one time is 600 persons.

(b) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

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

**(5) PLAN OF MANAGEMENT**

The building must always be managed in accordance with the Plan of Management that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

**(6) HOURS OF OPERATION - MINOR DEVELOPMENT**

The use of the building is restricted to between 7.30am and 10.00pm Monday to Friday and between 9.00am and 10.00pm on weekends.

**(7) EXTERNAL LIGHTING**

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

**(8) SIGN ILLUMINATION**

(a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with AS4282-1997 control of obtrusive effects of outdoor lighting.

- (b) The signs must not flash.

**(9) GREEN TRAVEL PLAN**

- (a) The commitments listed within the Green Travel Plan accompanying the application are to be implemented prior to the occupation of the building.
- (b) A Special Events Transport Management Plan for large events that identifies measures to mitigate any impacts on parking, road safety, pedestrian and bicycle movements and impact on transport services and infrastructure is to be prepared and submitted to and approved by Council's Area Planning Manager prior to occupation of the building. The plan should be prepared in accordance with Roads and Maritime Services' 'Guide to Traffic and Transport Management for Special Events' and in consultation with the Transport Management Centre, CBD Coordination Office, Sydney Light Rail Team and Roads and Maritime Services.
- (c) The cycle facilities of both Sydney Boys and Girls High Schools are to be made available to staff, students and visitors at all times the building is in use.

**(10) NOISE - GENERAL**

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:

- (a) 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.
- (b) 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.
- (c) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise *Policy* are applicable.

**(11) PUBLIC DOMAIN DAMAGE DEPOSIT**

A Public Domain Damage Deposit calculated on the basis of 56 lineal metres of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to the commencement of works.

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

**(12) COMPLIANCE WITH THE ACOUSTIC REPORT**

All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared Wood & Grieve Engineers dated 21 March 2016 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises.

**(13) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

A Construction Traffic Management Plan, prepared in consultation with the CBD Coordination Office and Sydney Light Rail Team within Transport for NSW, must be submitted to and approved by Council's Area Planning Manager prior to certification by the Crown.

Note: Please visit <http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans> for information on how to prepare a Construction Traffic Management Plan in accordance with Council's guidelines.

**(14) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to commencement of works, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;

- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works.

#### **(15) PRESERVATION OF SURVEY MARKS**

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

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

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

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

#### **(16) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

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

- (a) Stormwater and drainage works shall occur in accordance with the Stormwater Management Report prepared by Woolacotts dated 24 February 2016, Plan SW1 prepared by Woolacotts dated 24 February 2016 and Plan SW2 prepared by Woolacotts dated 24 February 2016.
- (b) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to the commencement of works excluding any approved preparatory, demolition or excavation works.
- (c) Prior to occupation of the building, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- (d) Any proposed connection to the Council's underground drainage system will require the Crown to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to the commencement of works.

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

- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

**(18) 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.

**(19) 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*.

**(20) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the NSW Department of Environment and Heritage is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

- (c) Should any archaeological remains or Aboriginal Objects be discovered a copy of the recording of the finds and the final archaeological summary report is to be submitted to Council prior to the occupation of the building.

#### (21) TREES APPROVED FOR REMOVAL

- (a) All trees detailed in the table below, referred to in Appendix D: Tree Location Plan of the Arboricultural Assessment & Development Impact Report prepared by 'Rain Tree Consulting' dated 23 February 2016, are approved for removal. Tree removal must not occur until the development has been certified by the Crown.

Tree No	Botanical/Common Name
2	Lophostemon confertus (Brushbox)
3	Morus spp (Mulberry)
4	Ligustrum lucidum (Broad Leafed Privet)
13	Castanospermum australe (Blackbean)
14	Jacaranda mimosifolia (Jacaranda)

- (b) All tree removal works must be carried out by a qualified Arborist, with a minimum Level 3 AQF in arboriculture and in accordance with WorkCover's Code of Practice – Amenity Tree Industry.
- (c) In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself.

#### (22) TREES THAT MUST BE RETAINED

The existing trees detailed in the table below, referred to in Appendix D: Tree Location Plan of the Arboricultural Assessment & Development Impact Report prepared by 'Rain Tree Consulting' dated 23 February 2016, must be retained and protected throughout the proposed development.

Tree No	Botanical/Common Name
1	Ficus macrophylla (Moreton Bay Fig)
5	Ficus macrophylla (Moreton Bay Fig)
7	Angophora costata (Sydney Red Gum)
8	Angophora costata (Sydney Red Gum)
9	Howea forsteriana (Kentia Palm) x2
10	Cupressus sempervirens (Mediterranean Cypress)
11	Ficus rubiginosa (Port Jackson Fig)
12	Cinnamomum camphora (Camphor Laurel)



**(23) TREE PROTECTION ZONE**

- (a) Before the commencement of works, the Tree Protection Zones (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below, referred to in Appendix D: Tree Location Plan of the Arboricultural Assessment & Development Impact Report prepared by 'Rain Tree Consulting' dated 23 February 2016. Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.

<b>Tree No</b>	<b>Species Name</b>	<b>Radius (m) From Trunk</b>
1	Ficus macrophylla (Moreton Bay Fig)	15 metres
5	Ficus macrophylla (Moreton Bay Fig)	15 metres
6	Jacaranda mimosifolia (Jacaranda)	10 metres
7	Angophora costata (Sydney Red Gum)	2.4 metres
8	Angophora costata (Sydney Red Gum)	2.4 metres
9	Howea forsteriana (Kentia Palm) x2	2 metres
10	Cupressus sempervirens (Mediterranean Cypress)	4.2 metres
11	Ficus rubiginosa (Port Jackson Fig)	15 metres
12	Cinnamomum camphora (Camphor Laurel)	15 metres

- (b) Each TPZ must be:
- (i) Enclosed with a 1.8m high fully supported chainmesh protective fencing. The fencing must be secure and fastened to prevent movement. The fencing must have a lockable opening for access. Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing;
  - (ii) Kept free of weed and grass for the duration of works
  - (iii) Mulch maintained to a depth of 75mm for the duration of works;
  - (iv) Have two signs identifying the name and contact details of the site Arborist attached facing outwards in a visible position. All signs must remain in place throughout all work on site.
- (c) Access through any TPZ must be approved by the Project Arborist, qualified in accordance with the standard stated in (e)(i) below, prior to the TPZ being accessed. If the Project Arborist approves access to the TPA, ground surface protection must be installed as follows:
- (i) Protected with boarding (ie: scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
  - (ii) The protective boarding must be left in place for the duration of the construction and development.

- (d) Despite (c) above, the following works must be excluded from within any TPZs:
  - (i) Soil cut or fill including excavation and trenching;
  - (ii) Soil cultivation, disturbance or compaction;
  - (iii) Stockpiling, storage or mixing of materials;
  - (iv) The parking, storing, washing and repairing of tools, equipment and machinery;
  - (v) The disposal of liquids and refuelling;
  - (vi) The disposal of building materials;
  - (vii) The siting of offices or sheds;
  - (viii) Any action leading to the impact on tree health or structure.
- (e) All work undertaken within or above the TPZ must be:
  - (i) Supervised by a qualified Consultant Arborist, who holds a Diploma in Horticulture (Arboriculture) Level 5 under the Australia Qualification Framework;
  - (ii) Undertaken in accordance with all directions given by the Site Arborist and/or Council;
- (f) Any root/s over 50mm in diameter which have been approved for removal must be pruned by a qualified Arborist with a minimum of AQF Level 3

#### **(24) SITE SUPERVISION AND REPORTING**

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone in accordance with Australian Standard AS4970 Protection of Trees on Development Sites. The Arborist must certify compliance with each key milestone detailed below to the Director City Planning, Development and Transport:
  - (i) The installation of tree protection measures prior to certification by the Crown;
  - (ii) During demolition of any ground surface materials (grass, pavers, asphalt etc) and structures located within the Tree Protection Zone of any tree listed for retention;
  - (iii) During any excavation and trenching within the Tree Protection Zone of any tree listed for retention;
  - (iv) During any Landscape works within 5 metres of any tree trunk.

- (b) A final compliance report shall be submitted to the Director City Planning, Development and Transport which provides details on the health and structure of tree to be retained and protected and must include:
  - (i) Certification of compliance with each key milestone;
  - (ii) Details of any other works undertaken on any tree to be retained or within TPZ/s;
  - (iii) Documentary evidence of compliance with tree protection and measures (including photographs and site notes);

**(25) TREE PRUNING**

The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 40mm in diameter. Only minor pruning works will be approved by Council.

**(26) SERVICES - TREES**

- (a) Any trenching works for services / hydraulics / drainage etc must not be undertaken within a Tree Protection Zone (TPZ), and be referred to the Site Arborist with regard to tree protection, prior to commencement of any works.
- (b) Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services adjacent to the specified TPZ.

**(27) ADVANCE TREE PLANTING**

Tree planting within the property must be undertaken in accordance with the following conditions prior to the occupation of the building:

- (a) All new trees must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (b) At the time of planting, the container size is to be a minimum of 100 litres and a minimum height of 2.5 metres.
- (c) The trees must be planted by a qualified Horticulturalist or Arborist of Level 3 under the Australian Qualifications Framework (AQF).
- (d) All new trees must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (e) Written confirmation is to be obtained from Council's Area Planning Manager that all tree plantings have been completed to Council's satisfaction (excluding tree maintenance) prior to occupation of the building.
- (f) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.

**(28) LANDSCAPING OF THE SITE**

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the certification of the building by the Crown for above ground building works. The plan must include:
  - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
  - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
  - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
  - (iv) Details of planting procedure and maintenance;
  - (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the certification of the building by the Crown, a maintenance plan is to be submitted to and approved by Council's Area Planning Manager. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to occupation of the building.

**(29) CLASSIFICATION OF WASTE**

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

**(30) ENVIRONMENTAL MANAGEMENT PLAN**

All works must be undertaken onsite in accordance with the Construction Environmental Management Plan Rev A prepared by TKD Architects and dated February 2016.

**(31) IMPORTED FILL MATERIALS**

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

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

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

**(32) LAND REMEDIATION**

- (a) The site is to be remediated and validated in accordance with the recommendations set out within the Remedial Action Plan, prepared by Environmental Investigation Services EIS dated 23 February 2016.
- (b) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Council's Area Planning Manager.
- (c) Any variations to the approved Remediation Action Plan shall be approved in writing by the Accredited Site Auditor and Council's Area Planning Manager prior to the commencement of such work.

**(33) SITE VALIDATION REPORT**

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

- (a) The extent of validation sampling, and the results of the validation testing.
- (b) That the remediation and validation of the site has been undertaken in accordance with Remediation Action Plan prepared by Environmental Investigation Services EIS dated 23 February 2016.
- (c) That the site is suitable for the proposed use.

**(34) STOCKPILES**

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

**(35) CONSTRUCTION AND FITOUT OF FOOD PREMISES**

The construction, fitout and finishes of the food preparation areas must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 – 2004 Design, Construction and Fitout of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website [www.standards.com.au](http://www.standards.com.au).

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email [info@foodstandards.gov.au](mailto:info@foodstandards.gov.au) or by visiting the website [www.foodstandards.gov.au](http://www.foodstandards.gov.au).

**(36) COOKING EQUIPMENT AND VENTILATION**

Cooking must not commence until an air handling system, in accordance with Part F4.12 of the BCA is approved, installed and operational. Cooking is defined as the process of changing any food from raw to cooked by applying heat, and also includes the preparation of food by heating it. This definition does not include heating food in a microwave, a sandwich press, a toaster or similar, unless the kW or MJ combined or separate exceed that specified in the BCA, or if the use of such equipment generates excessive heat, condensation or grease. Cooking equipment that requires an air handling system is specified in AS1668.2 and BCA F4.12.

**(37) COOLROOMS**

- (a) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
- (b) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.

- (c) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (d) A door which can be opened at all times from inside without a key.
- (e) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.

**(38) FOOD PREMISES - HEALTH DATABASE REGISTRATION**

The kiosk is to be registered with Council's Health and Building Unit prior to occupation of the building.

Note: Registration forms are available at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

**(39) WASTE ROOMS**

To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – Design, Construction and Fitout of Food Premises, and must be:

- (a) Provided with a hose tap connected to the water supply;
- (b) Paved with impervious floor materials;
- (c) Coved at the intersection of the floor and walls;
- (d) Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
- (e) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- (f) Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

**(40) 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.

**(41) 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.

#### **(42) HAZARDOUS AND INDUSTRIAL WASTE**

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

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

#### **(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) 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.



**SCHEDULE 2**

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

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 21 June 2016 be received, with the recommendation set out below for Item 9.18 being adopted, and Item 9.17 being dealt with as shown immediately following that item.

Carried unanimously.

The Development Assessment Sub-Committee recommended the following:

**ITEM 9.17****DEVELOPMENT APPLICATION: 32-44 CHURCH STREET CAMPERDOWN (D/2015/1658)**

It is resolved that:

- (A) Council support the request to vary the height development standard under Clause 4.6 of the Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/1658, subject to the conditions as detailed in the subject report.

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

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

It is resolved that:

- (A) Council support the request to vary the height development standard under Clause 4.6 of the Sydney Local Environmental Plan 2012; and
- (B) a deferred commencement consent be granted to Development Application No. D/2015/1658, subject to the following conditions:

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

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

**(1) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The basement is to be setback a minimum 1.2 metres from the south-east boundary (that shared with No. 46 Church Street).
  - (b) Where the level of basement excavation is proposed below the existing ground level of the neighbouring properties to the north-east (measured on the boundary with 1-11 Broderick Street, 2 Marsden Street), the basement must be setback a minimum 1.2 metres from the north-east boundary.
- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement condition, as indicated above, must be submitted to Council within 24 months of the date of this determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979;
- (D) the consent will not operate until such time that the Council notifies the Applicant in writing that the deferred commencement consent condition, as indicated above, has been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement condition has been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent in Part B – Conditions of Consent (Once the Consent is in Operation):

**PART B – CONDITIONS OF CONSENT**

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

Upon written confirmation from Council that the deferred commencement condition contained in Part A above has been satisfied, the consent will become operative from the date of that written confirmation, subject to the conditions of consent as detailed in Schedules 1A, 1B, 1C and 2 of the subject report to the Planning and Development Committee on 21 June 2016.

Carried unanimously.

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

It is resolved that:

- (A) Council support the request to vary the height development standard under Clause 4.6 of the Sydney Local Environmental Plan 2012; and
- (B) a deferred commencement consent be granted to Development Application No. D/2015/1658, subject to the following conditions:

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

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

**(1) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The basement is to be setback a minimum 1.2 metres from the south-east boundary (that shared with No. 46 Church Street).
  - (b) Where the level of basement excavation is proposed below the existing ground level of the neighbouring properties to the north-east (measured on the boundary with 1-11 Broderick Street, 2 Marsden Street), the basement must be setback a minimum 1.2 metres from the north-east boundary.
- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement condition, as indicated above, must be submitted to Council within 24 months of the date of this determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979;
- (D) the consent will not operate until such time that the Council notifies the Applicant in writing that the deferred commencement consent condition, as indicated above, has been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement condition has been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent in Part B – Conditions of Consent (Once the Consent is in Operation):

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

Upon written confirmation from Council that the deferred commencement condition contained in Part A above has been satisfied, the consent will become operative from the date of that written confirmation, subject to the following conditions of consent:

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

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

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2015/1658 dated 17 November 2015 and the following drawings by Stephen Bowers Architects:

<b>Drawing Number</b>	<b>Drawing Name</b>	<b>Date</b>
DA-02/1 Rev A	Streetscape – Church Elevation	Feb.2016
DA-02/2 Rev A	Streetscape – Broderick Street Elevation	Feb.2016
DA-05 Rev A	Site Plan	Feb.2016
DA-100 Rev A	Basement 1 (Carpark)	29.02.2016
DA-101 Rev A	Ground Floor Plan	Feb.2016
DA-102 Rev A	First Floor Plan	Feb.2016
DA-103 Rev A	Attic Plan	Feb.2016
DA-104 Rev A	Sections	Feb.2016
DA-105 Rev A	Elevations – Northwest & Southwest	Feb.2016
DA-106 Rev A	Elevations – Southwest & Northeast	Feb.2016
DA-500	Proposed Stratum Subdivision at RL 23.74	Nov 2015
DA-501	Proposed Stratum Subdivision at RL 20.94	Nov 2015
DA-502	Proposed Stratum Subdivision at RL 18.34	Nov 2015

and the following landscaping drawings by Sym Studio:

<b>Drawing Number</b>	<b>Drawing Name</b>	<b>Date</b>
SBA03-DA-101 Issue 3	Urban Landscape – Context & Strategy (Plant Schedule)	29/02/16
SBA03-DA-103 Issue 3	Urban Landscape Design – Landscape Plan	29/02/16
SBA03-DA-104 Issue 3	Urban Landscape Design – Central Courtyard	29/02/16
SBA03-DA-105 Issue 1	Landscape Design – Rear Boundary Trellis	29/02/16
SBA03-DA-106 Issue 1	Landscape Design – Rear Boundary Trellis	29/02/16

and as amended by the conditions of this consent.

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

**(2) DESIGN MODIFICATIONS**

- (a) Sectional view(s) through House No.7 are to be submitted demonstrating how ventilation of the bathroom is to be achieved without a penetration through the principal roof plane to Church Street.
- (b) The external walls of the pavilion rear addition must be clad in part (at least 50%), or in total, with a profiled lightweight material (e.g. weatherboards) that creates an obvious contrast to the new element from the heritage item, when viewed from the public domain or surrounding properties.
- (c) The external walls of the rear roof extension to No.44 Church Street
  - (i) must have a minimum 5 degree roof pitch, and slope down from the ridge towards the rear elevation of the property.
  - (ii) The flashing or waterproofing of the rear roof extension is not to result in a visible change to the ridge cap of the continuous roofline of No.32 to No.44 when viewed from Church Street.
  - (iii) The external walls of the rear roof extension must be clad with weatherboards, corrugated steel or a similar profiled material.
- (d) The secondary pedestrian egress/exit from the basement is to open in a direction compliant with the relevant provisions of the BCA. Where the door is required to open outward it must be designed such that it will not encroach into the public domain in an open position.

The modifications must be submitted to and approved by the Council Area Planning Manager prior to a Construction Certificate being issued.

**(3) HERITAGE CONSERVATION WORKS (amended condition)**

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken to the existing building concurrent with the works is to be prepared by the applicant's heritage consultant and submitted to Council's Heritage Specialist for approval.
- (b) The schedule is to address the specific conservation works proposed. It is to include timber joinery repairs/replacement, repairs to render/masonry as well as reinstatement of four paneled front doors, timber framed double hung sash windows, balustrading, cast iron vents and gates, and sandstone flagging to the verandah floors,
- (c) The schedule of conservation works is to be cross referenced to detailed drawings.
- (d) The conservation works are to be implemented to the satisfaction of Council's Heritage Specialist prior to the issue of an Occupation Certificate.

**(4) 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.

**(5) FLOOR LEVELS**

Prior to issue of a Construction Certificate, the Principal Certifying Authority must be satisfied that the floor levels of the proposed building extension of the development is set out at 20.90m AHD, and that the driveway crest and pedestrian access/egress to the basement from Broderick Street at 20.75m AHD.

**(6) ALLOCATION OF PARKING**

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

Car Parking Type	Number
Residential spaces	7
Total	7

**(7) ASSOCIATED ROADWAY COSTS**

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

**(8) PARKING DESIGN**

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

**(9) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

- (a) If a lot contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (b) No person can advertise or organise the use of the lots approved under this consent for short term accommodation

**(10) RESTRICTION ON USE OF CAR SPACES – RESIDENTIAL**

The following conditions apply to car parking:

- (a) The subdivision of the site is to include a restriction on the use of land burdening the lots, in the following terms:

The on-site car parking spaces are not to be used other than by a resident of the subject building for parking of vehicles related to the residence with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

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

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

Bicycle Parking Type	Number	Requirements
Residential	7	Spaces must be a class 1 bicycle locker [i]

Notes:

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

#### **(12) 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.

#### **(13) 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.

**(14) ON SITE LOADING AREAS AND OPERATION**

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

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

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

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

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

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

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



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

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

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

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

**(17) NOISE - GENERAL**

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
  - (i) The  $L_{Aeq, 15 \text{ minute}}$  noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
  - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment  $L_{A90, 15 \text{ minute}}$  / rating  $L_{A90, 15 \text{ minute}}$  process to be in accordance with the requirements for noise monitoring listed in the NSW EPA Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
  - (iii) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable.

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

## **SCHEDULE 1B**

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

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

### **(18) 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.

**(19) 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.

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

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

**(21) 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.

## **(22) CLASSIFICATION OF WASTE**

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

## **(23) IMPORTED FILL MATERIALS**

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

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

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

## **(24) STOCKPILES**

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

**(25) HAZARDOUS AND INDUSTRIAL WASTE**

- (a) Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:
- (i) Protection of the Environment Operations Act 1997
  - (ii) Protection of the Environment Operations (Waste) Regulation 2005
  - (iii) Waste Avoidance and Resource Recovery Act 2001
  - (iv) Work Health and Safety Act 2011
  - (v) Work Health and Safety Regulation 2011.

**(26) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

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

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the whole building must comply with the Building Code of Australia (BCA) including:
- (i) Structural provisions - Part B1;
  - (ii) Fire resistance and stability - Part C1;
  - (iii) Compartmentation and separation - Part C2;
  - (iv) Protection of openings - Part C3;
  - (v) Provision for escape (access and egress) - Part D1;
- Note: Attention is drawn to the requirement of no less than 2 exits from the basement car park
- (vi) Construction of exits - Part D2;
  - (vii) Access for people with disabilities - Part D3;
  - (viii) Fire fighting equipment - Part E1;
  - (ix) Smoke hazard management - Part E2;
  - (x) Emergency lighting, exit signs and warning systems - Part E4;
  - (xi) Damp and weatherproofing - Part F1;

(xii) Sanitary and other facilities - Part F2;

Note: Attention is drawn to the requirement of provision of laundry facilities in each dwelling unit

(xiii) Room sizes - Part F3;

(xiv) Light and ventilation - Part F4;

(xv) Sound transmission and insulation - Part F5;

(xvi) Energy Efficiency - Air-conditioning and ventilation systems - Part J5;

(xvii) Energy Efficiency - Artificial lighting and power - Part J6;

(xviii) Energy Efficiency - Hot water supply - Part J7;

(xix) Energy Efficiency - Access for maintenance - Part J8;

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

## **(28) GEOTECHNICAL AND STRUCTURAL ENGINEER'S REPORTS**

(a) A structural engineers reports, is to be prepared by a suitably qualified registered engineer(s) experienced in heritage buildings, advising on the necessary measures to ensure that the proposed excavation and construction will not undermine the structural stability of the retained section of York Terrace (including neighbouring No.46 Church Street), nor the structural stability of neighbouring 1-11 Broderick Street. The report is to ensure that:

(i) The site is properly investigated with regard to geotechnical issues and structural condition and loads paths;

(ii) Appropriate works sequence and temporary works are put in place to allow for safe demolition and construction, and in particular to ensure the vertical and lateral stability of the party wall with No 46 Church Street; and

(iii) The as-constructed works provide adequate long-term support for the party wall with No. 46 Church Street.

Note: The party wall with No 46 Church Street may require both underpinning and lateral restraint

(b) A geotechnical engineer's report and a structural engineer's report is to be submitted to the Principal Certifying Authority addressing the requirements of (a) prior to the commencement of works, or issue of a Construction Certificate, whichever is the earliest.



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

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of No.46 Church Street and 1-11 Broderick Street are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

**(30) MAKING GOOD TO EXISTING BUILDING (amended wording)**

All new internal and external finishes and works of making good to the original part of the terraces shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.

**(31) EXTERNAL COLOUR SCHEME (amended wording)**

The external colour scheme is to be sympathetic to the Victorian character of the terrace. A schedule of external colours, keyed to drawings, is to be submitted to the satisfaction of Council's Heritage Specialist prior to the issue of a construction certificate.

Note: It is recommended that reference be made to the book "Colour Schemes for Old Australian Houses" by Ian Evans, Clive Lucas and Ian Stapleton.

**(32) ROOF OF 44 CHURCH STREET**

The principal roof plane to Church Street, and the verandah roof of No 44 Church Street is to match the profile, form and detailing, of the rest of the roofing of "York Terrace".

**(33) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.
- (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 issue of an Occupational Certificate.

**(34) MECHANICAL VENTILATION**

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

**(35) CAR PARK VENTILATION**

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

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

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.

- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's Public Domain Manual and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

### **(37) PAVING MATERIALS**

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

### **(38) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;

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

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

### **(39) PRESERVATION OF SURVEY MARKS**

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

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

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

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

### **(40) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

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

**(41) PUBLIC DOMAIN PLAN**

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

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

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

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

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

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

- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (f) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
  - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

#### **(44) 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.

#### **(45) DRAINAGE AND SERVICE PIT LIDS**

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

**(46) PROTECTION OF STONE KERBS**

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

**(47) PUBLIC DOMAIN DAMAGE DEPOSIT**

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

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

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



**(48) PUBLIC DOMAIN LIGHTING**

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

**(49) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

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

**(50) 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).

#### **(51) AIR CONDITIONERS IN CLASS 1 RESIDENTIAL BUILDINGS**

For Class 1 residential buildings as defined by the National Construction Code, The air conditioner/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

- (a) Emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 10.00pm on any other day; or
- (b) Emit a sound pressure level that when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background ( $L_{A90, 15 \text{ minute}}$ ) by more than 5dB(A). The source and background noise level must be measured as an  $L_{Aeq 15 \text{ minute}}$  and  $L_{A90 15 \text{ minute}}$  in accordance with Australian Standard AS1055:1997, Acoustics – Description and measurement of environmental noise.

### **(52) TREES APPROVED FOR REMOVAL**

The one Chinese Hackberry (*Celtis sinensis*) located at the rear of 44 Church Street, Camperdown is approved for removal.

### **(53) STREET TREE PROTECTION**

The three (3) Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk protection shall be undertaken prior to the issuing of the Construction Certificate. The protection shall be installed by a qualified Arborist (AQF 2 or 3) and must include;
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times,
  - (ii) Tree trunk/s must be protected by wrapped hessian or similar material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) shall be placed around tree trunk/s. The timber planks shall be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion.
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and shall be removed at the completion of the project.
- (b) Materials or goods, including site sheds, must not be stored or placed:
  - (i) Around or under the tree canopy; or
  - (ii) Within two (2) metres of the trunks or branches of any street trees.

- (c) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9673, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

**(54) STREET TREE PRUNING**

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

**(55) LANDSCAPING OF THE SITE**

- (a) Approval is not provided to any fixings to the neighbouring boundary wall of 1-11 Broderick Street or to its use for any structural support for the trellis landscaping.
- (b) The trellis landscaping to the eastern boundary is to be maintained in accordance with the Rear Boundary Maintenance Plan, prepared by Sym Studio, dated March 2016.
- (c) All landscaping in the approved plans is to be completed prior to an Occupation Certificate being issued.

**(56) BOUNDARY DEFINITION**

- (a) Prior to the issue of a Construction Certificate or any approval for demolition, the initial boundary definition survey work necessary for the preparation of a subdivision plan redefining the boundaries of Lots 1 to 6 in DP 854861 and Lot 1 in DP 512436 shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The registered surveyor shall provide a letter to the Principal Certifying Authority certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate.
- (b) A plan or CAD file showing the redefined boundaries shall be provided to the project architect, who shall certify in writing that the proposed building as designed will fit within the redefined boundaries, without causing any encroachment of the proposed building or any overhangs attached to the proposed building. This written certification by the project architect shall be provided to the PCA prior to the issue of a Construction Certificate.

- (c) Prior to the issue of an Occupation Certificate, the subdivision plan shall be completed and lodged with the Office of Land and Property Information, NSW, showing the new building and creating any easements as necessary under Section 88B of the Conveyancing Act, 1919. The terms of these easements are to be to the satisfaction of Council. Evidence of lodgement of the subdivision plan shall be supplied to the PCA prior to the issue of the Occupation Certificate or Interim Occupation Certificate.

Reason: The boundaries of the site are old and include Old System Title land. A boundary survey at initial stages will provide certainty in the location of the cadastral boundaries.

**(57) SURVEY**

- (a) AT FOUNDATION STAGE - All footings and walls adjacent to a boundary must be set out by a registered surveyor. Upon commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.
- (b) DURING CONSTRUCTION - A survey of the formwork for the concrete slab at each floor level, showing its position in relation to the site boundaries, must be carried out prior to concrete pour, and supplied to the Principal Certifying Authority.
- (c) AT COMPLETION – Prior to the issue of an Occupation Certificate or Interim Occupation Certificate - A Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment. Any encroachments of the building over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act, 1919, with terms to the satisfaction of Council, must be provided for in conjunction with the subdivision plan referred to in Condition (56) above.

**(58) SUBDIVISION CERTIFICATE**

A separate application is to be made to Council to obtain the approval of the final Plan of Subdivision and issue of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.

**(59) SYDNEY WATER CERTIFICATE (TAP-IN)**

- (a) The approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's "Tap-in" online service is available at [www.sydneywater.com.au](http://www.sydneywater.com.au), (see Plumbing, Building & Development and then Sydney Water "Tap-in").
- (b) The Consent Authority or a Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

**(60) SYDNEY WATER CERTIFICATE**

Prior to the issue of the Subdivision Certificate, a Section 73 (Subdivider/Developer) Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

**(61) COMPLETION OF PUBLIC DOMAIN WORKS**

Prior to the issue of the Subdivision Certificate for the subdivision, the public domain works associated with the subdivision works are to be completed in accordance with the requirements of and to the satisfaction of Council.

**(62) EASEMENTS UNDER SECTION 196 OF THE CONVEYANCING ACT**

Documentary reciprocal easements for services, drainage, support and shelter, and emergency egress, affecting the whole of each lot if so desired, must be created over the lots in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919 and to Council's satisfaction.

**(63) ADDITIONAL EASEMENTS**

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919 and to Council's satisfaction.

**(64) BUILDING MANAGEMENT STATEMENT**

The Building Management Statement must adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot to Council's satisfaction. A copy shall be provided with the application for the issue of a Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979. Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979. Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979. Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979.

**(65) STREET ADDRESSES OF LOTS**

In accordance with Clause 60(c) of the Surveying and Spatial Information Regulation 2012, the street addresses for each lot must be shown on the final plan of subdivision. An application should be made to Council to obtain the correct street address for each lot.

**(66) WASTE AND RECYCLING MANAGEMENT - MINOR**

- (a) The proposal must comply with the relevant provisions of Council's Policy for Waste Minimisation in New Developments 2005 which requires facilities to minimise and manage waste and recycling generated by the proposal.
- (b) The waste management operations and requirements contained in the Waste Management Report, 32-44 Church Street, Camperdown NSW 2050, prepared by Stephen Bowers, dated 9 March 2016, must be implemented in the ongoing use and operation of the development.

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

**(68) 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”.

Note: 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.

**(69) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT**

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

**(70) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(71) 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.

**(72) 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.

**(73) EROSION AND SEDIMENT CONTROL**

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

During the construction period:

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;



- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

**(74) 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.

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

The following requirements apply:

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

**(76) 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.

**(77) 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.

**(78) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

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

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

**SCHEDULE 2**

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

**Speakers**

Ms Janet Porter addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.17.

**ITEM 9.18**

**DEVELOPMENT APPLICATION: 46-48 RILEY STREET WOOLLOOMOOLOO - CITY FORD BUILDING (D/2016/248)**

It is resolved that:

- (A) Council support the variation sought to Clause 4.4 "Floor space ratio" in accordance with Clause 4.6 "Exceptions to development standards" in Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2016/248, 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/2016/256 dated 7 March 2016 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Approved On</b>
A1100 Revision B	Anthony Vavayis + Associates	3 May 2016
A3101 Revision B	Anthony Vavayis + Associates	2 May 2016
A2101 Revision A	Anthony Vavayis + Associates	9 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) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The proposed fire wall must be reversible without damaging adjacent fabric; and
- (b) The terrazzo steps and original steel balustrade must be retained and not concealed.

**SCHEDULE 1B****PRIOR TO CONSTRUCTION CERTIFICATION/COMMENCEMENT OF WORK/HEALTH AND BUILDING**

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

**(3) 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.

**(4) 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.

**(5) 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).

**(6) 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).

**(7) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION**

The required operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the proposed partitioning layout.

**(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) LETTERBOXES**

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

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

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

**IMPORTANT NOTE:**

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

**SCHEDULE 1C****DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION****(12) 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.

**(13) 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.

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

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

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

The following requirements apply:

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

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

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

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

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

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

Clause 98C      Conditions relating to entertainment venues

Clause 98D      Conditions relating to maximum capacity signage

Clause 98E      Conditions relating to shoring and adequacy of adjoining property

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

Carried unanimously.

**ITEM 10 CHANGE OF GRANT RECIPIENT SAFE SPACE AND TAKE KARE AMBASSADOR PROGRAM (S127271)**

Moved by Councillor Green, seconded by Councillor Scott -

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a new grant agreement with St Johns Ambulance for the previously approved funding of \$100,000 per year for 2016/17 and 2017/18 for the Safe Space and Take Kare Ambassador program; and
- (B) Council note that this recommendation supersedes the Resolution of 16 May 2016 to enter into an agreement with the Thomas Kelly Youth Foundation for this funding.

Carried unanimously.

**ITEM 11 GLEBE STREET FAIR 2016 (S121058)**

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

It is resolved that:

- (A) Council approve the provision of up to a maximum of \$19,500 (excluding GST) to the Glebe Chamber of Commerce for the Glebe Street Fair 2016 in the form of a grant protecting against financial loss;
- (B) Council approve that funding will not be released by the City until audited financial statements relating to the Glebe Street Fair 2016 are provided to the City and approved by the Chief Executive Officer;
- (C) this grant protecting against financial loss is for this year only and does not set a precedent for future events by this or any other organisation;
- (D) Council approve a one-off grant of \$10,000 (excluding GST) to the Glebe Chamber of Commerce to engage an external consultant to undertake an Independent Review of the Glebe Street Fair, with the scope to include:
  - (i) a recommended model for the Glebe Street Fair (relating to its structure, format and operating model) that optimises future outcomes for the community and local businesses; and
  - (ii) a financial model that will ensure the financial sustainability and viability of the Glebe Street Fair;
- (E) any further funding requests for Glebe Street Fairs will be considered by the City after the Independent Review has been delivered and its recommendations demonstrated in future modelling for the event; and
- (F) authority be delegated to the Chief Executive Officer to enter into a funding agreement with the Glebe Chamber of Commerce for the grant against financial loss and Independent Review of the Glebe Street Fair.

Carried.



**ITEM 12 QUESTIONS ON NOTICE****BUSINESS VOTING LETTERS AND FORMS (S103147)**

1. By Councillor Vithoukas

**Question**

On 11 March 2016, the City of Sydney wrote to business owners about the City of Sydney Non-Residential Register and Rolls. The letter contained incorrect information which advised that business owners were required to return completed forms in a pre-paid envelope by 16 March 2016 (5 days later). When did the City become aware of the error? How many letters were sent to business owners with the incorrect date? Has the City re-written to those business owners to let them know an error had been made, advising them of the correct date to return their completed forms?

**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 has advised the next update will be provided shortly.

**INTERNATIONAL TRAVEL SPEND (S103148)**

2. By Councillor Forster

**Question**

Since September 2014, how much in total has the Lord Mayor spent on international travel, including airfares, accommodation and other miscellaneous travel-related expenses?

**Answer by the Lord Mayor**

All proposals for international travel are subject to review and approval by the full Council in accordance with the provisions of the Councillors' Expenses and Facilities Policy. The requested information may be found in the relevant Quarter Reviews (Supplementary Report attachment) for the period.

**ANTI-WESTCONNEX PAMPHLET (S103148)**

3. By Councillor Forster

**Question**

Over the course of the current federal election campaign, a pamphlet has been sent to residents in the City of Sydney criticising the WestConnex project, which is receiving funding from both the state and federal governments. This pamphlet contains City of Sydney logos and contact information, but has no authorisation.

1. Under what or whose authority was the anti-WestConnex pamphlet printed and distributed?

2. What was the cost of preparing and distributing the pamphlet?

**Answer by the Lord Mayor**

Please refer to my answer to Question on Notice 33.

**NON-RESIDENTIAL REGISTER (S103148)**

4. By Councillor Forster

**Question**

1. Are Council staff physically doorknocking businesses in the City of Sydney Local Government Area to inform them of their requirement to register on the non-residential roll?
2. To date, how many businesses have registered on the non-residential roll?
3. What has the Council done to ensure that barristers, most of whom are sole traders paying rent in chambers, are on the non-residential roll?
4. When registering, why are tenants required to provide details including the property's rateable lot number, when the Act does not require the City to collect this sort of information?
5. How many businesses have accessed Council's registration system but failed to complete the registration process?

**Answer by the Lord Mayor**

Please refer to my answer to Question on Notice 1.

**SYDNEY SINGS FESTIVAL (S103142)**

5. By Councillor Scott

**Question**

What has occurred to the Council funding allocated to the Sydney Sings Festival?

If not expended, where has it been transferred to in the 2016/17 Budget?

**Answer by the Lord Mayor**

On 21 March 2016, Council approved two items relating to the Sydney Sings Festival:

1. a grant of up to \$150,000 (excluding GST) in value-in-kind for venue hire waiver under the Festivals and Events (Artform) Sponsorship Program to Sydney Singing Limited for Sydney Sings; and
2. the hosting of a civic reception to welcome international artists as part of Sydney Sings.

Since this approval, Sydney Sings has advised the festival will not proceed in 2016. As a result, this grant will lapse. As it is a value in kind grant, there was no cash component saved. Should they wish to hold the Festival at a later date, they will need to make a new application for support by the City.

The dates held by the Sydney Sings festival for the use of the Sydney Town Hall, amounted to \$109,420 and the Town Hall banner poles were a further \$40,692 a total of \$150,112 (excluding GST). The dates in Sydney Town Hall that were held are now available for general bookings. However at this late stage, it is unlikely that it will be booked.

Sydney Sings also booked a number of street banner poles at the not for profit rate. These bookings will also not be used, and the income of around \$62,000 will not be generated.

### **HOMELESS AT BELMORE PARK (S103142)**

#### **6. By Councillor Scott**

I refer to the removal of tents used by rough sleepers at Belmore Park, by City officers, in February this year.

1. What is the City's policy on allowing those sleeping rough to erect tents at Belmore Park?
2. Where are the tents confiscated by City officers?
3. Will the tents confiscated by City officers be returned?
4. Can the Lord Mayor outline the process and timeframe of how confiscated tents will be returned to the relevant rough sleepers?
5. Alternatively, if the City is unable to return the tents, can the Lord Mayor confirm whether rough sleepers will be compensated for the loss of their tents?

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

The erection of tents for the use of staying overnight is not permitted in Belmore Park. The City is working with NSW Family and Community Services and NSW Police to support people sleeping rough into safe and secure accommodation, and prevent further unlawful camping in the park.

The City has a responsibility to maintain the safety and amenity of public spaces. This includes removing rubbish and abandoned items from public spaces on a regular basis. Notices are placed on items determined to be unattended in the public space with instructions about the time and date for their removal. A minimum of 24 hours' notice is provided prior to removal. Items not claimed are removed to landfill and cannot be retrieved. No compensation is provided for unclaimed items abandoned in the public space.

### **INSTALLATION OF BIRD BATHS (S103142)**

7. By Councillor Scott

#### **Question**

I refer to a proposal for the installation of 64 life-sized bird sculptures at 27 locations along or near Bridge Street, including one bird bath at Macquarie Place Park.

1. Does the bird bath comply with the bird bath standards of the Royal Society for the Protection of Birds?
2. Does the existing fountain in Macquarie Place Park conform to the Society's standards?
3. What measures will be taken to prevent the bird bath from becoming a receptacle for rubbish?

I refer to the City North Public Domain Plan, which was adopted by the Council at its December 2015 meeting. The Plan recommends "that a new Conservation Management Plan be prepared for Macquarie Place to guide ... future works".

When will this Conservation Management Plan be completed? When will it be made public?

Will the installation of the 64 life-sized bird sculptures at 27 locations along or near Bridge Street and the bird bath at Macquarie Place be subject to the future Conservation Management Plan?

If so, what are the implications for the 64 life-sized bird sculptures at 27 locations along or near Bridge Street and the bird bath?

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

As previously advised (refer to my response to Question on Notice 17 of 16 May 2016), the Development Application (D/2016/504) for Distance of Your Heart has been lodged and is being assessed. A Briefing Note concerning this matter was distributed to Councillors on 21 June 2016.

### **TOM BASS P&O FOUNTAIN SCULPTURE (S103142)**

8. By Councillor Scott

#### **Question**

I refer to page 702 of the Sydney Metro Environmental Impact Statement, dated 3 May 2016, which states that the Tom Bass P&O Wall Fountain sculpture located at 55 Hunter Street, Sydney, will be "reinstated at a location determined in consultation with City of Sydney Council".

1. Can the City confirm the current location of the sculpture?

2. Has Transport for NSW consulted the City about possible locations for the reinstatement of the sculpture? When?
3. Has the City considered possible locations for the reinstatement of the sculpture? If so, where?
4. Will the City incur any costs in the reinstatement of the sculpture? If so, what is the City's budget for the reinstatement works, broken down by design, labour and materials and any other items?

**Answer by the Lord Mayor**

I have asked the Chief Executive Officer to investigate this matter and report back to Councillors via the CEO Update.

**ROSEBERY ESTATE EXEMPTION FROM GENERAL HOUSING CODE (S103142)**

9. By Councillor Scott

**Question**

I refer to the City's request to the Department of Planning to vary the General Housing Code in relation to the Rosebery Estate in March 2014.

Has the City received a response from the Department regarding the City's request? If so, can it be shared with Councillors?

**Answer by the Lord Mayor**

The Department of Planning has not responded to either the original request or a follow-up request sent in January 2015.

The Department of Planning and Environment is currently seeking feedback on a proposed simplified Housing Code which is on public exhibition until 12 August 2016. The City will use this opportunity to reiterate its position on the Rosebery Estate.

**STATE-OWNED ENTITIES AND THE NON-RESIDENTIAL REGISTER (S103142)**

10. By Councillor Scott

**Question**

I refer to the City's non-residential register.

1. Can the Lord Mayor confirm whether the State-owned entities can be entered on the non-residential register?
2. Can the Lord Mayor confirm whether State-owned entities on the non-residential register will have the right to vote in the City's elections in September 2016?

**Answer by the Lord Mayor**

Please refer to my answer to Question on Notice 1.

**KENT STREET CYCLEWAY (S103142)**

11. By Councillor Scott

**Question**

I refer to the Kent Street Cycleway.

1. Does the City have any data regarding traffic congestion before and after the installation of the Kent Street Cycleway? Can the data please be provided to Councillors?
2. Does the City have any data in relation to accidents involving cyclists and pedestrians before and after the installation of the Kent Street Cycleway? Can the data please be provided to Councillors?
3. What measures has the City undertaken to ensure the safe passage of pedestrians from the street to the footpath?

**Answer by the Lord Mayor**

1. No. However, in June 2013, Transport for NSW reported<sup>1</sup> "Some separated cycleways in the CBD are already transporting more people per lane than adjacent vehicle lanes during the morning peak – adding capacity to the road network and helping to ease congestion...Kent Street cycleway performs highest in this regard, moving 34% of people and taking only 25% of the space during the morning peak hour."
2. RMS crash data for the years 2009 to 2014 shows there were two pedestrian-bicycle collisions on Kent Street in that time; in February 2011 and in December 2012. Kent Street cycleway opened late 2010.
3. The cycleway incorporates design features to facilitate safe passage of pedestrians, including double-step cross section design and wider medians at locations where pedestrians may be crossing the cycleway to access parking, high visual contrast between the separator kerb and the cycleway, and additional signage. In addition, the City carried out intensive onsite education when the infrastructure was new, to help people adjust to the changed conditions.

<sup>1</sup> Sydney City Centre Access Strategy: Technical report on proposed strategic cycling corridors.

**QUARRY GREEN PARK, ULTIMO - PARK BENCH (S103142)**

12. By Councillor Scott

**Question**

I refer to the uninstallation of the park bench at Quarry Green, Ultimo.

1. What was the total cost to the City of the installation of the park bench, broken down by design, installation, materials, labour, etc?
2. When was the installation of the park bench complete?
3. When did the uninstalation of the park bench commence?
4. What was the total cost to the City of the uninstalation of the park bench, broken down by labour, materials?
5. Where is the bench now?

**Answer by the Lord Mayor**

The park bench was installed on 23 February 2016 at a total cost of \$5,984. Due to amenity impacts on neighbouring residences, the bench was un-installed on 5 May 2016 at a cost of \$630. The bench is currently held at Bay Street Council Depot.

**222 PALMER STREET, DARLINGHURST (S103142)**

13. By Councillor Scott

**Question**

I refer to the City's plans for a community garden at 222 Palmer Street and development applications 2013/868; 2013/868A; 2013/868B; and 2013/868C.

1. Can the City please provide copies of the documents forming development applications 2013/868; 2013/868A; 2013/868B; and 2013/868C on our website?
2. What modifications, if any, have been made to the City's original plans for the community garden?
3. Has the City prepared a budget for the planned community garden? If so, how much has the City allocated toward design, materials and labour?
4. When does the City expect the community garden to be completed?
5. What community consultation has been undertaken for the purposes of establishing the community garden?

**Answer by the Lord Mayor**

Due to copyright law, the City is required to remove development application documentation once the exhibition period has expired. Staff advise these DAs relate to the child care centre and community space at 277 Bourke Street. These plans have not changed since the DA was approved in 2013.

A community garden was part of the concept design for the new park that was approved in December 2013 (D/2013/2018). The current Section 96 application aims to keep the location of the community garden consistent with the approved concept plan. The community garden area is located in the sunniest position on the site with space for a small worm farm or compost bin.

The cost of the materials, plants and construction labour for the initial establishment of the community garden is included in the overall park design and budget. For ongoing costs for the maintenance of the community garden, the community garden group will need to put together a management plan for approval including funding options. The community garden group can apply for a Matching Grant from the City of Sydney for plants, tools and garden materials.

It is anticipated the garden will be complete by March 2017.

In addition to the usual community consultation undertaken by the City when designing a new park, the City's Community Gardens Coordinator has been seeking community involvement for community garden since August 2015 - with little response to begin a community garden group.

The City's Community Gardens Coordinator met with three residents in February 2016 and spoke to them about Community Garden Policy, the proposed community garden, as well as alternative locations and footpath verge gardens if the group requires additional space than proposed at 222 Palmer Street.

After the community garden has been built, the Community Gardens Coordinator will contact the local community to form a group and to ensure it can become a self-managed Community Garden. The Community Gardens Coordinator will assist the group to prepare a community garden management plan for approval.

#### **GIBBES STREET, NEWTOWN FOOTPATH AND KERB-ISLAND (S103142)**

**14.** By Councillor Scott

##### **Question**

I refer to the Gibbes Street footpath and kerb island.

1. When will a proposal to widening the footpath and kerb-island on Gibbes Street be referred to the LPCTCC?
2. How much has the City budgeted for these works?
3. For which period has the funding been allocated?
4. If approved, when does the City anticipate these works will be complete?

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

Designs to improve pedestrian safety and accessibility at the intersection of Gibbes and Whitehorse Streets, Newtown are under development. The City will consult with local residents and, if supported, the proposal will be referred to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for review and consideration in late 2016.

Budget has been allocated for construction in 2016/17.



**DR HJ FOLEY PARK, GLEBE - PLAQUE (S103142)**

15. By Councillor Scott

**Question**

I am advised that a plaque dedicated to St James, owned by St Bede's Church, and formerly located at Dr HJ Foley Park, was removed as part of works to the park and was never returned.

Can the City advise as to the whereabouts of the plaque? If not, will the City produce a new plaque?

When will the plaque be reinstated?

**Answer by the Lord Mayor**

There is no record of a plaque dedicated to St James located at Dr HJ Foley Park.

However, a plaque commemorating the naming of St James Park in Glebe, in honour of the 1977 centenary of St James Parish, was removed during the recent upgrade of St James Park.

The plaque was cleaned by a conservator and has been reinstated in the park near its original location (this plaque was the subject of a Question on Notice in February 2016).

**ERSKINEVILLE PUBLIC SCHOOL TRAFFIC (S103142)**

16. By Councillor Scott

**Question**

I refer to the safety concerns expressed by teachers and parents of students at the Erskineville Public School in relation to vehicle traffic around the area.

1. What has the City done in response to these concerns?
2. What measures will the City take to address these concerns?

**Answer by the Lord Mayor**

I have been advised that staff are currently investigating these matters. A report will be provided to Councillors via CEO Update.

**CHANGES TO VISITOR PARKING PERMIT (S103142)**

17. By Councillor Scott

**Question**

I refer to Notice of Motion 5 (Limited Multiday Visitor Parking Permits Study) at the 16 May meeting of Council.

1. When does the City anticipate that it will undertake its review of the changes to the City's parking framework?
2. When does the City anticipate recommendations arising from the study to be reported back to Council?

**Answer by the Lord Mayor**

These matters will be progressed by the CEO in accordance with the terms of the Resolution of Council.

**CHARITY PARKING PERMITS (S103142)**

18. By Councillor Scott

**Question**

I refer to the parking permit recently granted to Pymont Cares Inc. in relation to a truck owned by the organisation.

1. Under which category was Pymont Cares granted a permit?
2. Under which category would an organisation apply for a parking permit for the purposes of undertaking similar work that requires the use of vehicles for the delivery of plants to Landcare sites, distribution of community-produced newsletters and attendance at evening meetings?

**Answer by the Lord Mayor**

Pymont Cares was issued a business parking permit for a goods vehicle registered in the name of the charity.

An organisation with a goods carrying vehicle registered in the name of the organisation - and routinely used for deliveries or works - may apply for a business parking permit. Permits are not issued for the purpose of private travel, or attending meetings.

In the case of Pymont Landcare, no dedicated vehicle is required, as only tubestock (ie, seedlings) is planted by volunteers and bulk deliveries of materials, such as mulch, are made by the City or its providers. The City's Community Gardens and Volunteer Coordinator has advised that the delivery of seedlings to worksites can be arranged by the City, if requested.

**DOCUMENTS AND CORRESPONDENCE RELATING TO THE ULTIMO SCHOOL (S103142)**

19. By Councillor Scott

**Question**

Will the Lord Mayor make available all documents and correspondence related to negotiations undertaken for a new school for Pymont Ultimo on the City's website?

**Answer by the Lord Mayor**

The Department of Education has released extensive documentation related to the consideration of sites for a new school for Pymont Ultimo. The City has also released a range of documentation to the school community and will continue to do so as appropriate. Staff advise me that releasing all documents and correspondence in relation to the negotiations would potentially prejudice the City's ability to negotiate with third parties in the future.

**110-112 OXFORD STREET, DARLINGHURST (S103142)**

20. By Councillor Scott

**Question**

I refer to the property at 110-112 Oxford Street and the closure of six surrounding properties and businesses as a result of detached stone from the property.

1. Has the City completed its investigation into the incident? If so, what are the City's findings and will the investigation make any recommendations with regards to the City's building safety and/or inspection regulations?
2. What remedial works are being undertaken by the City?
3. When does the City expect the six surrounding properties and businesses to be able to reopen?
4. What are the City's plans for the property?
5. When does the City expect to realise those plans?
6. What budget, if any, has the City set for those plans?
7. Is the City conducting any inspections on other similar properties to prevent similar incidences from occurring?

**Answer by the Lord Mayor**

Property Services has completed an investigation into the incident and it was found that the cause of the detached sandstone keystone feature was due to a compression failure which was essential for the keystone to remain in place.

In March 2016, the City's managing agents Brookfield Global Integrated Solutions (BGIS) appointed structural engineers, Henry and Hymas, to undertake an inspection of the 110-122 Oxford Street façade. The Structural Engineers' report recommended façade remediation works which were procured and scheduled to take place in May.

After the façade failure, another more detailed façade inspection of 110-122 Oxford Street was undertaken by abseiling engineers who completed façade remediation works and this included the removal of loose stone and brickwork.

Only one retail business within the City-owned property 110-122 Oxford Street was affected by the temporary closure of the footpath, as a result of the temporary controls put in place to cordon off the footpath. Property Services has already held discussions with this business operator (who closed for one and a half days) and they will be submitting a claim to the City for consideration.

BGIS undertake 6 and 12 month building condition inspections of all of the City's properties. Property Services have spoken to BGIS executive management since the incident, who have assured the City that, in light of the incident, BGIS will undertake an extensive review of the current processes to ensure they remain more robust.

110–122 Oxford Street is currently occupied by four retail tenants and has two retail vacancies. The property is not abandoned. A feasibility study was completed in November 2013 which assessed the viability and cost of converting the upper floors of 118–122 Oxford Street into 14 self-contained artist live/work apartments, and converting Levels 1 and 2 and the basements of 110 and 112-116 Oxford Street into artists' work and creative incubator spaces. There is funding for these works in the Long-Term Financial Plan.

### **GREENS ROAD, PADDINGTON (S103142)**

**21.** By Councillor Scott

#### **Question**

I refer to the Lord Mayor's response to Question on Notice 5 at the 16 May meeting of Council.

When does the Lord Mayor expect the City to begin its consultation with local residents and businesses on the proposal to reinstate the previous parking controls?

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

I recently met with residents and businesses in Paddington to find a sensible, long term solution for parking in Area 15. Residents were concerned the parking changes agreed in March by the Local Pedestrian Cycling and Traffic Calming Committee (LPCTCC), from 2P to 4P on Greens Road, were affecting their ability to park because visitors and students were taking advantage of the longer time limits.

Businesses had welcomed the 4P parking changes for the purpose of attracting visitors to patron local cafes, the cinema and shops. However there was recognition that better compliance and parking enforcement was required to prevent visitors from overstaying the prescribed limit on Greens Road, particularly for those attending local sporting events.

Paid parking in other areas of the Local Government Area has been shown to improve compliance and increase parking vacancy rates. City staff will undertake an occupancy demand survey in Area 15 to determine the need for paid parking. This also follows the resolution of March LPCTCC to investigate paid parking within the Paddington area.

As Semester 2 for College of Fine Arts students commences 25 July 2016, the City will schedule the parking surveys in early August. If a need for paid parking is found, consultation on the proposal with the community will occur with the intent to refer to the October LPCTCC for consideration.

**544 ELIZABETH STREET, REDFERN (S103142)**

22. By Councillor Scott

**Question**

I refer to the abandoned property located at 544 Elizabeth Street, Redfern.

1. Has the City sought legal advice about how the property may be dealt with?
2. Has the City undertaken any remedial or maintenance works on the property? If so, what were the nature of these works?
3. Is the City able to advise on the current state and condition of the property?
4. Has the City undertaken any studies as to the impact, if any, the deterioration of the property is having on surrounding properties?

**Answer by the Lord Mayor**

1. Yes.
2. In 2009, works were undertaken by the City following proceedings in the Land and Environment Court. The works related to the removal of accumulated waste materials in the premises and other works to make the structure safe (including removal of the front balcony).
3. The City has recently arranged for a structural engineer to inspect the property and is considering options in relation to the issue of orders regarding the condition of the property.
4. Initial indications are that the property remains sufficiently stable and structurally sound to provide the required bracing for the neighbouring buildings. This will be reviewed as part of the assessment of the property referred to above.

**PUBLIC FORUM ON CENTRAL TO EVELEIGH PRECINCT (S103142)**

23. By Councillor Scott

**Question**

I refer to the public forum hosted by the City in relation to the Central to Eveleigh precinct, on Wednesday 15 June 2016 at 6.30pm.

1. What was the total cost to the City for hosting the event?
2. What was the cost of venue hire for the event?
3. What was the cost of catering the event?
4. What was the cost of staffing the event?
5. How many households were sent the material?

6. What was the cost of preparing materials for the event, broken down by printing, delivery and design?

**Answer by the Lord Mayor**

Tea, coffee and water were provided at the event for attendees, and food was provided to speakers and City staff. The brochure was produced in-house and delivered to all suburbs from Haymarket to Green Square. The total cost of the event including venue hire, additional security and usher staff, catering and brochure distribution was \$25,513.

**WESTCONNEX PUBLICATION (S103142)**

24. By Councillor Scott

**Question**

I refer to the A3 sized leaflet publication prepared by the City in relation to the planned WestConnex tollroad titled "Take action now!"

1. What was the total cost of the materials, broken down by printing, delivery and design?
2. How many households were sent the material?
3. What was the cost of preparing and sending the material on a per household basis?

**Answer by the Lord Mayor**

Please refer to my answer to Question on Notice 33.

**COMMUNITY FORUM ON CENTENNIAL PARK AND MOORE PARK WORKS (S103142)**

25. By Councillor Scott

**Question**

I refer to the proposed City forum in relation to works at Centennial Park and Moore Park.

1. What is the total budget for hosting the event?
2. What is the cost of venue hire for the event?
3. What is the cost of catering the event?
4. What is the cost of staffing the event?
5. What is the cost of preparing materials for the event, broken down by printing, delivery and design?
6. When will the forum be held?

**Answer by the Lord Mayor**

The proposal for work at Centennial Park and Moore Park is not proceeding so the proposed Community Forum will also therefore not proceed.

**CITY'S TECH STARTUPS ACTION PLAN (S103142)**

26. By Councillor Scott

**Question**

I refer to the City's Tech Startups Action Plan.

1. Did the City allocate a communications budget for the plan?
2. For which period has the budget been allocated?
3. What is the budgeted amount?

**Answer by the Lord Mayor**

As noted in the report on this item to the Corporate, Finance, Properties and Tenders Committee on 20 June 2016, "Provision has been made in the 2016/2017 budget for the delivery of priority projects (as identified in the Tech Startups Action Plan) across a range of business units. The funding of projects in later years will be incorporated into capital and future year's operating budgets."

**SYDNEY PARK CHILDCARE CENTRE COSTS (S103142)**

27. By Councillor Scott

**Question**

I refer to the Lord Mayor's announcement of the cancellation of plans to build the Sydney Park Childcare Centre.

1. How many development applications were involved in the plans?
2. What was the cost of the development application(s)?
3. How many studies were undertaken in relation to the proposed plans?
4. What were the cost of the studies?
5. Were any other costs from the cancellation of Sydney Park childcare plans incurred?
6. How many flyers, ads, press releases or other City communications referred to a childcare centre at Sydney Park?
7. Broken down, what was the cost of these communications and on what date were they sent/distributed?

8. When did the Lord Mayor become aware the City was not progressing with the Sydney Park Childcare Centre?

**Answer by the Lord Mayor**

The CEO has provided a report on the provision of child care in the City of Sydney which addresses the issue of the proposed Sydney Park Childcare Centre, and it was discussed at the meeting of the Cultural and Community Committee on Monday 20 June 2016.

**SYDNEY PARK BIKE PATH (S103142)**

28. By Councillor Scott

**Question**

What is the estimated cost of the new bike track, broken down by DA, design, materials, labour, etc?

**Answer by the Lord Mayor**

The bike track did not require a development application. The design cost totalled \$100,000 and construction \$1,500,000.

**SYDNEY PARK (S103142)**

29. By Councillor Scott

**Question**

1. Has the City ever commissioned any reports on the contamination in Sydney Park? If so, how many, when, and at what cost?
2. If so, when were they received by the City?
3. Will the City make these reports publicly available?

**Answer by the Lord Mayor**

Sydney Park was previously a landfill site. The City has undertaken extensive rehabilitation works in Sydney Park and commissioned over 20 reports since 2003 on contamination issues to ensure community safety at a cost of \$300,000 - \$400,000. Contamination reports have been commissioned before proceeding on specific projects such as the Playground and Village Green, the Kiosk and public toilets, and the Allan Davidson Oval and Facility. The most recent project specific contamination report was the proposal for the Child Centre.

In addition, the City has a contract in place with environmental consultants GHD, at a five year value of \$890,000 ex GST to undertake the following testing:

- Lakes and wetland water quality monitoring (quarterly report)
- Landfill gas emissions monitoring at Sydney Park (quarterly report)



- Ground water (bore hole) monitoring (annual report)
- Harvested storm water monitoring and inspection (annual report)

It is not the standard practice of Council to make them available to the public, however, all reports are recorded in Council's files and available to the public under the GIPA Act.

### **STREET ART STUDY (S103142)**

**30.** By Councillor Scott

#### **Question**

1. Has the City commissioned any external reports on street art?
2. If so, what was the cost?
3. If so, when were the reports received by Council?
4. If so, will the City make these reports publicly available?

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

Please refer to my answer to Question on Notice 15 on 23 November 2015.

### **CITY FUNDING CONTRACTS (S103142)**

**31.** By Councillor Scott

#### **Question**

Since 2012, has any City of Sydney funding or sponsorship contract, agreement or MOU included any provisions in relation to the Lord Mayor speaking at an event?

If so, what is the most common form of words used to express this agreement?

If so, please list the organisations this form of provision is included in any agreement with?

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

The City's standard grant and sponsorship agreements include the opportunity for the Lord Mayor and Councillors to speak and/or be invited to any openings, launches or public events as standard acknowledgement of City of Sydney support. The following standard text is tailored as appropriate to each grant or sponsorship.

Sponsorship:

#### ***Lord Mayor/ Councillor Opportunities***

*Opportunities for the Lord Mayor/Councillors to welcome, launch and/or attend the Project.*

Grant:

**Acknowledgements**

*The Lord Mayor, Councillors and guests to be invited to any opening, launch or public event associated with the Project.*

**CITY OF SYDNEY RUNGS OF MANAGEMENT AND SALARY BANDS (S103141)**

32. By Councillor Mandla

**Question**

The City of Sydney is a complex organisation with a commensurate management structure consisting of, inter alia, Directors, Acting Directors, Managers, Acting Managers, Supervisors and Team Leaders.

It would be useful to know what the management hierarchies are in management and supervisory roles, and what the remuneration structures are for the City of Sydney at the various levels and how they are determined.

Could the Lord Mayor please answer:

1. What is the total number of all management and supervisory roles in the City of Sydney?
2. If they are defined, how are they defined at each level?
3. Break down that total into the hierarchy of all of the management and supervisory roles in the City, including the number of positions held in each category and the associated remuneration by band.
4. What is the ratio of management positions to subordinate positions?

**Answer by the Lord Mayor**

The organisational structure at the City has three levels of formal management reporting to the CEO:

Directors (Management level 2)  
Business Unit Managers (Management level 3)  
Section Unit Managers (Management level 4).

Larger operational units also have team leaders or local supervisors to allow for the operational running of teams.

The table below indicates the level of management, the number of roles and the salary bands associated with each level. Salary bands are determined by the job value of each role, and are therefore not the same for each level of management.

<b>Management Level</b>	<b>Number of Roles*</b>	<b>Salary Bands</b>
Executive CEO M1	1	Senior Executive Salary
Executive - Directors M2	9	Senior Executive Salary
Business Unit Managers M3	71**	Senior Executive Salary, Band 10, Band 9, Band 8
Section Managers M4	125**	Band 6 – Band 10

\* Number of roles indicates the number of employees currently fulfilling a management position.

\*\* The City Project and Property Division is currently going through a realignment of its management positions and this will result in a reduction in the number of M3 roles in the future. .

### **CITY OF SYDNEY WESTCONNEX ELECTION DISTRIBUTION MATERIALS (S103141)**

**33.** By Councillor Mandla

#### **Question**

The Council resolution of 16 May 2016 approved "the preparation of updated information for the community on the progress of the WestConnex project and its impacts on the City of Sydney."

It was resolved, inter alia, that Council "(D) approve the preparation of updated information for the community on the progress of the WestConnex project and its impacts on the City of Sydney".

Could the Lord Mayor please answer:

1. What information was prepared?
2. What information was distributed to the community?
3. Who signed off on all of the final information?
4. Which Councillors, if any, were shown final information prior to distribution?
5. Given this information could be construed as election material, did the material note that it was "authorised by"?
6. What was the method of distribution and quantities, if this involved letters, leaflet drops etc.?
7. Where was this distributed?
8. What were the total costs of this information, broken down into preparation and distribution?

**Answer by the Lord Mayor**

Council approved the production of communications materials in relation to the WestConnex toll road project at its meeting on 16 May 2016. A flyer was produced in-house by City staff to provide the community updated information on the progress of the project as per the Council resolution. The City's corporate website was also updated.

The flyer is not election material and did not therefore require an "authorised by" annotation.

The flyer was letterbox dropped to every household (98,700) in the City of Sydney by the City's walkers. It was delivered to 98,700 letterboxes. The total cost was \$28,126.

**HOMELESSNESS SERVICES DURING JUNE WEEKEND HEAVY RAINS (S103141)**

**34.** By Councillor Mandla

**Question**

On Sunday 5 June 2016, the CEO sent a broadcast email stating "Staff from City and State government and relevant charities are working to place people in accommodation. Some people are still advising they do not want accommodation. State Govt had put on extra accommodation and staff continue to patrol city to offer support.

If we run out of accommodation a temporary shelter can be created as per our protocol with state government.

We are also lining up access to dry clothes, showers etc over the next few days."

Could the Lord Mayor please answer:

1. In total, how many staff from the City of Sydney were patrolling the streets on the weekend of 5 June?
2. What streets and parks were patrolled by City of Sydney staff on the weekend of 5 June?
3. What charities were involved in providing volunteers and staff to patrol the streets?
4. In total, how many volunteers and staff from those charities were patrolling the streets on the weekend of 5 June?
5. In total, how many people were spoken to about accommodation?
6. In total, how many people accepted the accommodation?
7. In total, how many people declined the accommodation?
8. In total, how many people accepted showers and dry clothing?
9. Of these people who accepted the accommodation, how many were 457 Visa over-stayers or running from the law?
10. Were the CEO and/or the Lord Mayor there in person to oversee the operation?

11. If not, who was overseeing the operation?

**Answer by the Lord Mayor**

Through 4 to 6 June 2016, the Bureau of Meteorology issued a severe weather warning for the Sydney metropolitan area and across the coast of NSW. In response, the City, together with NSW Family and Community Services, activated the Emergency Response Plan for People Sleeping Rough. Staff from the City of Sydney, Neami National, Mission Australia and St Vincents Homeless Health mobilised to patrol the city to check on the welfare of people sleeping rough and link them with accommodation and other services.

Organisations patrolled the whole LGA from Saturday to Monday. The City LGA was split into four quadrants and sub-patrol groups were allocated to cover each area. Areas with known populations of people sleeping rough were prioritised, including Wentworth Park, Belmore Park, and Woolloomooloo.

Three City staff patrolled the LGA during the period 4-6 June. The table below outlines the organisations involved and the number of staff who were on patrol throughout the period.

<b>Day</b>	<b>City of Sydney</b>	<b>St Vincents</b>	<b>Mission Australia</b>	<b>Neami</b>
Saturday 4 June	1	2	2	3
Sunday 5 June	1	1	2	1
Monday 6 June	2	4	2	4

Over 100 people were engaged over the weekend. Eighteen people accepted temporary accommodation. Every person spoken to was provided with information about where to access temporary accommodation, showers, a change of clothing and medical support.

No data regarding an individual's visa status or criminal history was collected.

City staff worked with NSW Family and Community Services to coordinate the response to the storm. Logistics were overseen by the Manager, Homelessness, in collaboration with the Director City Life and the Manager, Security and Emergency Management and the operation was monitored by the CEO.

**WARFIELD REPORT WHICH INVESTIGATED COMPLAINTS AND GRIEVANCES MADE BY THE STAFF WITHIN THE RANGERS UNIT (S103141)**

35. By Councillor Mandla

**Question**

Proceedings are on foot in the NSW Civil and Administrative Tribunal in respect of a release of the Warfield Report under an Administrative Decision stemming from a GIPA decision.

Could the Lord Mayor please answer:

1. Who will be the instructing Solicitors in the matter and what is the cost estimated to be?
2. What are the internal costs of these proceedings expected to be?
3. Has Junior Counsel been retained and what is the estimated cost?

4. Will Senior Counsel be retained and what is the estimated cost?

**Answer by the Lord Mayor**

1. The City's internal solicitors currently have carriage of this matter and, as a result, no costs are currently being incurred.
2. Generally, no costs are awarded in this jurisdiction. Work will be undertaken by staff in the course of their duties.
3. Junior counsel has been retained and the costs will depend on the conduct of the proceedings. This matter is yet to be listed for hearing.
4. At this stage, senior counsel has not be retained.

**ITEM 13 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS**

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

## **ITEM 14 NOTICES OF MOTION**

### **NON-RESIDENTIAL REGISTER AND ROLL – CITY OF SYDNEY WEBSITE (S103139)**

1. By Councillor Forster -

It is resolved that:

(A) Council note:

- (i) ahead of the City of Sydney Local Government election on 10 September 2016, owners, occupiers and rate-paying lessees of rateable property in the City of Sydney area are required to register for the non-residential register and roll;
- (ii) if owners, occupiers and rate-paying lessees have not already submitted their details to the City, they need to do so before 14 July 2016 to ensure they are added to the non-residential register and roll;
- (iii) I have received a large amount of feedback indicating that businesses have not been contacted by the City and that they are unaware they must be added to the non-residential register; and
- (iv) the City is obliged to do all it can to inform all owners, occupiers and rate-paying lessees of their requirements to register prior to 14 July; and

(B) Council request the Chief Executive Officer to:

- (i) immediately ensure that information about how businesses can register as non-residential electors is given the highest prominence on the City of Sydney website homepage;
- (ii) ensure that the link to the non-residential registration papers is prominently displayed on the City of Sydney website homepage; and
- (iii) take any other steps necessary to ensure the City of Sydney website is as effective as possible in informing business owners, occupiers and rate-paying lessees of their right to vote in the 10 September election and directing them to the registration papers ahead of the 14 July deadline.

Note – At the meeting of Council, Councillor Forster withdrew her Notice of Motion.

### **Adjournment**

At this stage of the meeting, at 7.40pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok, that the meeting be adjourned.

Carried.

At the resumption of the meeting, at 7.50pm, those present were –

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



**OXFORD STREET PROPERTY PORTFOLIO REACTIVATION STRATEGY & SAFETY AUDIT (S103139)**

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

It is resolved that:

(A) Council note:

- (i) Council owns the commercial properties on the north side of Oxford Street at 56-78 Oxford Street, 82-106 Oxford Street and 110-122 Oxford Street, as well as the public toilet (closed) and substation at 136 Oxford Street;
- (ii) in the Second Quarter Corporate Plan Report for 2013/14, the Oxford Street Property Plan, which includes the Foley Street upgrade, was listed as 50% complete, with a target completion date of 2014;
- (iii) in the Fourth Quarter Corporate Plan Report 2013/14, the Oxford Street Property Plan, which includes the Foley Street upgrade, was listed as 50% complete, with a target completion date which had been pushed back by six years to 2020;
- (iv) in the Second Quarter Corporate Plan Report 2014/15, the Oxford Street Property Plan, which includes the Foley Street upgrade, had dropped to only 25% complete, with a target completion date which has been pushed forward by two years to 2018;
- (v) in the Fourth Quarter Corporate Plan Report 2014/15, the Oxford Street Property Plan, which includes the Foley Street upgrade, was listed as 45% complete, with a target completion date steady at 2018;
- (vi) in the Third Quarter Capital Works Budget 2015/16 Summary, the Oxford Street Properties Activation was listed as 54% complete, with the target date not listed in the Committee Papers;
- (vii) the completion of the Oxford Street Property Plan has been delayed by at least four years without notice to Council, without Council being provided with any supporting evidence as to the success or failure of the Plan to date;
- (viii) Council has made significant investment in and around Oxford Street, including footpath upgrades and, more recently, the spending of \$1.2 million on Stage 1 of the Foley Street upgrade, and the planned spending of \$3.1 million on the Foley Street Stage 2 and Stage 3 upgrades which, according to the Third Quarter Capital Works Budget 2015/16, is only 6% complete;
- (ix) Council also committed to undertake remedial works in the basement, ground, first and second levels of its property at 74-76 Oxford Street, which were originally scheduled to be completed in mid-2015 but are expected to be finalised at the end of 2016;
- (x) Oxford Street has been in decline as a day-time destination for several years and its night-time economy has been severely impacted by the State Government's new licensed premise lock-out laws, enacted in March 2014, which have had further flow-on effects for all the precinct's businesses, both day-time and night-time;

- (xi) the Foley Street Stage 1 upgrade has not attracted new tenants to the street;
  - (xii) many of Council's Oxford Street properties are not under long-term lease at full commercial rates;
  - (xiii) some of Council's Oxford Street commercial properties and creative spaces are empty;
  - (xiv) many of Council's Oxford Street commercial properties are in very poor condition or unfit for occupation;
  - (xv) on Wednesday 1 June 2016, at approximately 10am, a keystone from a Council-owned property at 110 Oxford Street crashed through an awning and onto the public sidewalk; and
  - (xvi) the estimated weight of the keystone was 400 kilograms, which could have resulted in serious injury or death to pedestrians;
- (B) Council request the Chief Executive Officer to:
- (i) immediately conduct a full and thorough review of the Oxford Street Property Plan, including a comprehensive safety audit of all Council-owned property along Oxford Street and in the immediate vicinity;
  - (ii) report back to Council on the results of that review and audit before the August 2016 Council meeting; and
  - (iii) devise a new and holistic strategy for the upgrading and redevelopment of all the Oxford Street properties owned by Council, for implementation at the earliest opportunity.

Foreshadowed Motion. Councillor Green foreshadowed that, should Councillor Forster's motion be lost, she would move the following alternative motion:

It is resolved that:

- (A) Council note:
- (i) Council owns the commercial properties on the north side of Oxford Street at 56-78 Oxford Street, 82-106 Oxford Street and 110-122 Oxford Street, as well as the public toilet (closed) and substation at 136 Oxford Street;
  - (ii) the City's managing agents, Brookfield Global Integrated Solutions (BGIS), undertake six and 12 month building condition inspections of all of the City's properties, leading to a detailed inspection of the façade of 110-122 Oxford Street in March 2016 by structural engineers;
  - (iii) immediate façade remediation works have been completed following a further more detailed façade inspection of 110-122 Oxford Street on 6 June 2016;
  - (iv) Oxford Street faces many challenges, created by complex factors arising over several decades, including the development of major retail centres at Bondi Junction and in the CBD, on-line retail, and government decisions such as the introduction of the clearway and restrictions on licensed trading;

- (v) the City is continuing to pursue the activation of Oxford Street by:
  - (a) committing \$3.7 million on 20 separate capital upgrades and major maintenance work and \$4.3 million to upgrading Foley Street, including creating new tenancies;
  - (b) working in collaborative partnerships, including the development of the successful Creative Spaces program utilising the City's Oxford Street properties, which has resulted in:
    - i. \$1.2 million being injected into the local economy by tenants, other creative space workers and over 60,000 visitors to the creative spaces;
    - ii. creative space tenants graduating from the program and relocating to larger premises where they pay market rent and continue to have a positive economic impact; and
    - iii. an increased diversification of the Oxford Street business mix;
  - (c) activation of City-owned offices, and retail spaces with creative activities, with several tenants subsequently moving to commercial leases in the Local Government Area;
  - (d) developing new commercial tenancies and negotiating long term leases;
  - (e) major temporary public art installations in Taylor Square, Foley Street (street art) and Rekko Rennie's major work on T2;
  - (f) activating Paddington Reservoir Gardens;
  - (g) reviewing cleansing and waste services with 8,100sqm of footpath cleaned and resealed;
  - (h) installing hanging planter baskets and footpath planters; and
  - (i) developing resources and tools to work with private property owners; and
- (B) Council request the Chief Executive Officer to continue to inform Council of work being undertaken to manage, maintain and improve the City's Oxford Street properties through the CEO Update.

### **Closed Meeting**

During discussion on this item, at 8.06pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Green –

That the meeting be closed (noting that the closure was in accordance with the provisions of section 10A(2)(d)(i) of the Local Government Act 1993 to enable discussion of commercial information of a confidential nature in relation to Item 14.2 that would, if disclosed, prejudice the commercial position of the person who supplied it, and that discussion of this matter in open session would, on balance, be contrary to the public interest).

Carried.

Commercial information of a confidential nature in relation to Item 14.2 was then discussed by Council while the meeting was closed to the public.

### **Open Meeting**

At 8.20pm the meeting of Council was opened to the public.

The motion, as previously moved by Councillor Forster and seconded by Councillor Mandla, was then put to the vote.

A show of hands on the motion resulted in an equality of voting as follows –

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

Noes (4) The Lord Mayor, Councillors Green, Kok and Mant.

The Chair (the Lord Mayor) exercised her casting vote against the motion.

The motion was declared lost.

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

A show of hands on the motion moved by Councillor Green resulted in an equality of voting as follows –

Ayes (4) The Lord Mayor, Councillors Green, Kok and Mant

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

The Chair (the Lord Mayor) exercised her casting vote in favour of the motion.

The motion was declared carried.

**SYDNEY MARINE PARK (S103137)****3. By Councillor Doutney -****(A) Council note:**

- (i) our marine environment is increasingly under threat due to pressures from climate change, human destruction of vital habitat, top-soil erosion from land-clearing, fertilisers, fishing practices and plastic pollution;
- (ii) our marine life and beaches in Sydney are a key drawcard for tourism, bringing in significant economic benefits and benefiting local businesses;
- (iii) a Sydney Marine Park will be an effective, sustainable and necessary solution to addressing the dangers facing our marine ecosystems, and many endangered marine species. As a sanctuary zone, marine parks hold the same benefits as National Parks do on land;
- (iv) the NSW Government is currently considering options on conservation management for marine ecosystems in the area of the Hawkesbury Shelf Marine Bioregion; state waters covering three nautical miles, or 5.5 km. This spreads out from Stockton Beach (near Newcastle) to Shellharbour and coastal lakes, the Hawkesbury River, Sydney Harbour, Botany Bay and Port Hacking. The Australian Marine Conservation Society suggests that this route is recognised as a critical gap in our marine park network, and needs protection in its entirety; and
- (v) the Australian Marine Conservation Society believes that a Sydney Marine Park acts as an “insurance policy for our oceans”, and is advocating strongly to see this happen; and

- (B) the Lord Mayor be requested to write to Environment and Heritage Minister Mark Speakman, and Minister for Primary Industries and Minister for Lands and Water Niall Blair, urging the government to declare a Sydney Marine Park in the targeted Hawkesbury Shelf Marine Bioregion, to ensure that marine sanctuaries be prioritised in the zoning, and ensure the effective management of our marine life, and the protection of our oceans.

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

That the Notice of Motion by Councillor Doutney be endorsed and adopted.

Carried unanimously.

**LGBTIQ AND ORLANDO (S103133)****4. By Councillor Scott -**

It is resolved that Council:

- (A) request the Chief Executive Officer to write to the Mayor of the City of Orlando to express its condolences in relation to the tragic events at the LGBTIQ nightclub, Pulse, on 12 June 2016;

- (B) note that the tragic events are a reminder of the need to be vigilant about safety and welfare of LGBTIQ residents and businesses in the City of Sydney; and
- (C) request the Chief Executive Officer to undertake a safety audit of:
  - (i) iconic LGBTI landmarks and areas; and
  - (ii) the adequacy of lighting around the City.

Note – At the meeting of Council, Councillor Scott withdrew her Notice of Motion, the matters raised in it having been dealt with at an earlier stage of the meeting in Item 3.1.

### **DEFIBRILLATORS AT CITY'S SPORTING FIELDS (S103133)**

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

It is resolved that Council:

- (A) note the risk of heart attacks which could occur on our City's sporting fields; and
- (B) request the Chief Executive Officer to assess the possibility of installing defibrillators at each of the City's sporting fields.

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

It is resolved that Council:

- (A) note the risk of heart attacks which could occur on our City's sporting fields each year;
- (B) note defibrillators are installed at the City's pools; and
- (C) request the Chief Executive Officer to assess the possibility of installing defibrillators at each of the City's sporting fields.

Variation. At the request of the Chair (the Lord Mayor), and by consent, the motion was further varied such that clause (C) read as follows:

- (C) request the Chief Executive Officer to assess the need and the reasonableness of installing defibrillators at each of the City's sporting fields.

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

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

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

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.

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

It is resolved that Council note:

- (A) Section 18D(5) of the City of Sydney Act 1988 requires that the Chief Executive Officer ensure that the non-residential electoral register is not available for public inspection;
- (B) on 23 February 2015, Council resolved, inter alia, to confirm:
  - "that only the Chief Executive Officer be authorised to approve and issue communications relating to the creation, maintenance and any other processes related to the non-residential registers and rolls";
- (C) on 10 August 2015, Council resolved, inter alia, to note:
  - "any attempt by a Council Official (noting that "Council official" includes Councillors and staff) to unduly influence or interfere with the creation and preparation of the Non-Residential Register and Roll would be a breach of the City of Sydney's Code of Conduct"; and
- (D) all nominated candidates for City of Sydney elections are entitled to obtain an electronic copy of both the residential and non-residential roll for the purpose of communicating with voters.

A show of hands on the motion moved by Councillor Scott resulted in an equality of voting as follows –

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

Noes (4) The Lord Mayor, Councillors Green, Kok and Mant.

The Chair (the Lord Mayor) exercised her casting vote against the motion.

The motion was declared lost.

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

The motion was carried unanimously.

**\$6,000 FINE TO HANNIBAL LEBANESE RESTAURANT (S103132)**

7. Moved by Councillor Mandla, seconded by Councillor Forster -

It is resolved that:

(A) Council note:

- (i) that on 2 June 2016, the City of Sydney fined Hannibal's Lebanese Restaurant \$6,000 for a single noise complaint;
- (ii) that the complaint was made about music played during a Friday and Saturday night Belly Dance show, that lasts approximately 15 minutes and never longer than half an hour;
- (iii) that the tenant who made this complaint lives directly above the restaurant;
- (iv) a \$6,000 fine on a small business is overly punitive and lacks commercial reality;
- (v) that such a business contributes to the Sydney economy and should be encouraged and assisted rather than receiving a large corporate style fine in the mail;
- (vi) in the past, we have removed such fines on small business; and
- (vii) the Chief Executive Officer (CEO) has advised me that the City's Health and Building Manager has recently spoken with the business owner and given an undertaking that the Penalty Infringement Notice will be reviewed once the request to review has been received from the SDRO; and

(B) the CEO be requested to:

- (i) provide active oversight of the review process with the goal that a workable solution can be found with the business owner paving the way to rescind the infringement notice; and
- (ii) provide a regular update via the CEO update.

Foreshadowed Motion. Councillor Mant foreshadowed that, should Councillor Mandla's motion be lost, he would move the following alternative motion:

It is resolved that Council note:

- (A) that, in May 2016, the City of Sydney fined Hannibal's Lebanese Restaurant \$6,000 for a noise complaint;
- (B) that the complaint was about music played during a Friday and Saturday night Belly Dance show that lasted up to half an hour and which City officers determined was offensive noise under the Protection of the Environment Operations Act 1997;
- (C) that the tenant who made this complaint lives directly above the restaurant;
- (D) a \$6,000 fine is a fixed penalty under the Environmental and Planning Assessment Regulation for breaches of development consent, with no discretion for councils to vary;



- (E) that the business was informed of the complaints since November 2015, only temporarily complied with the Noise Abatement Direction served in March 2016 and failed to undertake works to mitigate the impact, despite multiple warnings from the City prior to the serving of a Penalty Infringement Notice; and
- (F) the business owner has requested a review through the State Debt Recovery Review process, and the City intends to rescind the Penalty Infringement Notice following agreement with the business owner on a set of works to mitigate the noise.

A show of hands on the motion moved by Councillor Mandla resulted in an equality of voting as follows –

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

Noes (4) The Lord Mayor, Councillors Green, Kok and Mant.

The Chair (the Lord Mayor) exercised her casting vote against the motion.

The motion was declared lost.

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

The motion was carried.

At 9.17pm the meeting concluded.

Chair of a meeting of the Council of the City  
of Sydney held on 25 July 2016 at which  
meeting the signature herein was subscribed.