

# COUNCIL

Meeting No 6  
Monday 25 July 2016  
Notice No 6/1575  
Notice Date 21 July 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, Linda Scott and Angela Vithoulkas.

At the commencement of business at 5.08pm, those present were:-

The Lord Mayor, Councillors Forster, Green, Kok, Mandla, 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 Projects and Property, Director City Operations and Acting Director Workforce and Information Services were also present.

### Opening Prayer

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

### **Apologies**

Councillor Irene Doutney and Councillor John Mant extended their apologies for their inability to attend the meeting of Council as they were unwell.

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

That the apologies from Councillors Doutney and Mant be received 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 Green –

That the minutes of the meeting of Council of Monday 27 June 2016, as circulated to Councillors, be confirmed.

Carried unanimously.

### **ITEM 2 DISCLOSURES OF INTEREST**

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

Councillor Angela Vithoukas disclosed a less than significant, non-pecuniary interest in Item 9.13 on the agenda in that she works opposite the site, the subject of the development.

Councillor Christine Forster disclosed a less than significant, non-pecuniary interest in Item 9.9 on the agenda in that Mr Adam Haddow, who addressed the meeting of the Planning and Development Committee on this item last week, is a personal friend of hers.

No other Councillors disclosed any pecuniary or 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. MINUTES BY THE LORD MAYOR**

There were no Minutes by the Lord Mayor for this meeting of Council.

**ITEM 4.1 NOMINATION OF ALTERNATE MEMBER OF THE CENTRAL SYDNEY TRAFFIC AND TRANSPORT COMMITTEE****FILE NO: S111818****MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER**To Council:

In 2012, the Central Sydney Traffic and Transport Committee (CSTTC) was established following amendments to the City of Sydney Act 1988.

The primary function of the CSTTC is to coordinate transport policy and major transport related works between the City of Sydney and the NSW Government.

The CSTTC is comprised of 7 members:

- the Director General of Transport for New South Wales
- 3 persons nominated by the City of Sydney and appointed by the Minister
- 3 persons representing the State government and appointed by the Minister

The current members of the CSTTC nominated by the City of Sydney are:

- Lord Mayor Clover Moore (alternate member Councillor John Mant)
- Graham Jahn, Director City Planning, Development and Transport (alternate member Louise Kerr, Executive Manager Development)
- Bryony Cooper, Executive Manager, City Access and Transport (alternate member Anthony Mifsud, Transport Policy Manager)

In accordance with section 51G (b) and Schedule 2 of the City of Sydney Act 1988, approval of Council is requested for the following:

- revocation of the nomination of Anthony Mifsud as the alternate member of the CSTTC for Bryony Cooper; and
- the nomination of Andrew Aspden, Manager Transport Planning as the alternate member for Bryony Cooper.

**RECOMMENDATION**

It is resolved that:

- (A) the nomination of Anthony Mifsud as an alternate member for Bryony Cooper of the Central Sydney Traffic and Transport Committee be revoked; and
- (B) Andrew Aspden be nominated as alternate member of the Central Sydney Traffic and Transport Committee for Bryony Cooper.

MONICA BARONE  
Chief Executive Officer

Monday 25 July 2016

1122

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

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 unanimously.

**5.2 Petitions and Correspondence****(a) Rosebery Residents Action Group**

The following Petition (containing 32 signatures), of which notice was given by Councillor Scott, was laid on the table:

Attention: Mayor Clover Moore, Chief Executive Officer, Tim Aldham, Specialist Planner, City of Sydney

We the undersigned Rosebery Residents OBJECT to the proposed changes to the planning controls for 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery for a new development of around 380 apartments and townhouses that seeks to increase the maximum building height from 18 and 22 metres to 29 metres; this is by far excessive development for Rosebery to cope with. Our suburb is already now surrounded in the north to major high rise and has affected our amenities by increased traffic, noise, pollution and overcrowding.

As our elected we urge you to reject the proposal.

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

It is resolved that the Petition be received and noted.

Carried unanimously.

**(b) Kids Safe Streets in Newtown**

The following Petition (containing 248 signatures), of which notice was given by Councillor Scott, was laid on the table:

Earlier this year there was a near-miss incident on the corner of Gibbes Street and Whitehorse Street in Newtown, near the entrance to Newtown Public School and Newtown High School of the Performing Arts.

As the numbers of school children in our area grows, it is important our local streets around Newtown are safe.

Join me in calling on the City of Sydney to work with the community to provide solutions for safer Newtown streets.

Sign the petition calling on the City of Sydney to take action to address the current traffic and safety issues on the streets around Newtown Public School and Newtown High School of the Performing Arts.

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

It is resolved that the Petition be received and noted.

Carried unanimously.

**(c) Development Application D/2015/1596 (as it relates to the John Ogburn Studio in Reuss Street, Glebe)**

At the meeting of Council, the Chair (the Lord Mayor) tabled a Petition (with an attached letter from Marita Ogburn), as follows:

This letter to Clover Moore is endorsed and supported by the following friends, patrons, fellow artists and supporters of respected Sydney artist, the late John Ogburn, and the John Ogburn Studio with its continuing contribution to the cultural and creative life of Sydney.

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

It is resolved that the Petition be received and noted.

Carried unanimously.

**(d) 15 Minute Free Parking**

At the meeting of Council, Councillor Forster tabled a copy of a letter dated 22 July 2016 written by her to The Hon Duncan Gay MLC, Minister for Roads, Maritime and Freight, as per Resolution of Council of 27 June 2016 (Item 9.6).

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

It is resolved that the Correspondence be received and noted.

Carried unanimously.

**(e) Re Item 22 – 18<sup>th</sup> May Local Pedestrian, Cycling and Traffic Calming Committee Road Works – Temporary Road Closures Darling Island Road, Pyrmont**

At the meeting of Council, Councillor Vithoukas tabled a Petition, as follows:

We, the residents at Darling Island respectfully petition the Lord Mayor of Sydney to write to the Minister for Roads and Maritime Services, Member for Sydney and Sydney Harbour Foreshore Authority to request that the Revy Development Traffic Management Proposal be recalled and reviewed as:

1. the builder has now informed the community that it requires 18 months of total road closure;
2. the item was approved originally (without community consultation) for 12 months road closure only;

3. an independent traffic report by GTK Consulting was not submitted nor seen by the voting committee. The report raises serious issues which have not been addressed by the Revy Developer;
4. there has been no community consultation;
5. additional conditions of consent need to be considered to ensure speedy completion and mitigate resident impact; and
6. there are serious and substantial safety and traffic management concerns.

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

It is resolved that the Petition be received and noted.

Carried unanimously.

**ITEM 6 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 18 JULY 2016**

PRESENT

Councillor Clover Moore  
(Chair)

Councillor Robert Kok  
(Deputy Chair)

Councillors Christine Forster, Jenny Green, Edward Mandla, Linda Scott and Angela Vithoukcas.

At the commencement of business at 2.08pm those present were -

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

**Apologies**

Councillor John Mant extended his apologies for his inability to attend the meeting of the Corporate, Finance, Properties and Tenders Committee.

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

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

Carried unanimously.

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 Green –

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

Carried unanimously.

**Sub-Committee**

The meeting of the Economic Development and Business Sub-Committee, with Councillor Vithoukcas as Deputy Chair, commenced at 2.40pm.

The meeting of the Corporate, Finance, Properties and Tenders Committee and its Sub-Committee concluded at 2.42pm.

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 18 July 2016 be received, and the recommendations set out below for Items 6.3 to 6.12 inclusive be adopted, with Item 6.1 being noted, and Item 6.2 being dealt with as shown immediately following that item.

Carried unanimously.

## **ITEM 6.1**

### **DISCLOSURES OF INTEREST**

No Councillors disclosed any pecuniary or non-pecuniary interest 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**

### **INVESTMENTS HELD AS AT 30 JUNE 2016 (X005604)**

It is resolved that the Investment Report as at 30 June 2016 be received and noted.

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

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

Carried unanimously.

### **Speakers**

Dr Jason Wu addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.2.

## **ITEM 6.3**

### **PROPOSED LAND CLASSIFICATION – COMMUNITY STRATUM LOT, TRAM SHEDS, HAROLD PARK (S120438)**

It is resolved that Council:

- (A) endorse the public notification of the proposed resolution “It is resolved to classify the proposed transfer of lot 2 in Deposited Plan 1207279 being a community stratum freehold lot as operational land in accordance with section 31 of the Local Government Act 1993”; and
- (B) note that a further report, to inform the outcomes of public notification and recommendation on land classification, will follow the notification period.

Carried unanimously.

**ITEM 6.4**

**COMPULSORY ACQUISITION OF CITY'S FREEHOLD INTEREST IN MARTIN PLACE SHOPPING CIRCLE BY TRANSPORT FOR NSW (METRO) (X003497)**

It is resolved that Council:

- (A) endorse the compulsory acquisition by Transport for NSW of the City's freehold stratum containing the Martin Place Shopping Circle;
- (B) endorse the negotiated compensation amount and the commercial terms detailed within confidential Attachment B to the subject report and delegate authority to the Chief Executive Officer to finalise these terms, including amendments and additions as suitable to protecting the City's interests;
- (C) note that, in the event that a negotiated outcome cannot be reached to the satisfaction of the City or within the timeframes required by the Metro project, then Transport for NSW will acquire the City's interest by way of a compulsory process; and
- (D) endorse that proceeds from this sale are to be restricted to the Commercial Properties Reserve for future reinvestment.

Carried unanimously.

**ITEM 6.5**

**CITY-OWNED CRANE LANE – LAND TRANSFER AND SALE OF FLOOR SPACE TO LEND LEASE, CIRCULAR QUAY SITE (X000578)**

- (A) Council endorse the transfer of 176.6m<sup>2</sup> of City-owned, operational classified land being Lot 2 in Deposited Plan 880891, known as Crane Lane and referred to as 178a George Street, to Lend Lease;
- (B) Council endorse the sale of development floor space attributable to Crane Lane to Lend Lease at an agreed price of \$6M plus GST as supported by independent market valuation;
- (C) Council approve the subdivision of the Crane Lane land as may be required to facilitate the preceding resolutions; and
- (D) authority be delegated to the Chief Executive Officer to enter into all necessary documentation as may be required to facilitate:
  - (i) the transfer of 176.6m<sup>2</sup> of City-owned, operational classified land being Lot 2 in Deposited Plan 880891, known as Crane Lane and referred to as 178a George Street, to Lend Lease; and
  - (ii) the sale of development floor space attributable to Crane Lane to Lend Lease at an agreed price of \$6M plus GST.

Carried unanimously.

**ITEM 6.6****TENDER - DIXON STREET CATENARIES AND HEAVEN LIGHTING ARTWORK RESTORATION PROJECT (S065510.001)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Dixon Street catenaries and Heaven lighting artwork restoration;
- (B) Council approve the additional funds to be brought forward from future years' public art capital works budget as outlined in confidential Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

**ITEM 6.7****TENDER - COMMERCIAL WASTE COLLECTION SERVICES (S072015.034)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the commercial waste collection services contract for a period of 12 months commencing 1 October 2016, with two options to extend for a further 12 months;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts and exercise any options relating to the tender;
- (C) authority be delegated to the Chief Executive Officer to exercise the options referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly; and
- (D) Council note that the schedule of rates provided by Tenderer 'A' will be used to calculate any changes in contract price as a result of properties being added to or removed from the contract.

Carried unanimously.

**ITEM 6.8****EXEMPTION FROM TENDER – GREEN SQUARE CHILD CARE CENTRE - ADDITIONAL CONTINGENCY FOR HEAD CONTRACTOR CONTRACT (S117320.010)**

It is resolved that Council:

- (A) approve an exemption from tender, in accordance with section 55(3)(i) of the Local Government Act 1993, for the contract 'additional hazardous and contaminated material removal', noting that, due to extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;

- (B) note the reasons why a satisfactory outcome would not be achieved by tenders are:
- (i) a contractor for the construction works has already been appointed in accordance with the City's procurement processes;
  - (ii) within the current contract, a remediation subcontractor is to complete contract remediation works; and
  - (iii) the additional cost required to establish another remediation contractor on site is not considered value for money. If the work were separately contracted, it is not considered that better value for money or suitable timeframes would be achieved for Council;
- (C) approve increased contract contingency to the existing Head Contractor to cover extended construction work as described in confidential Attachment A to the subject report; and
- (D) note the financial and contractual implications detailed in confidential Attachment A to the subject report.

Carried unanimously.

#### **ITEM 6.9**

#### **EXEMPTION FROM TENDER – PLANNING AGREEMENT AT 13-21 LACHLAN STREET, 2-4 BRUCE STREET AND 7-19 AMELIA STREET, WATERLOO (VPA/2015/23)**

It is resolved that Council:

- (A) approve an exemption from tender, in accordance with section 55(3)(i) of the Local Government Act 1993, for the City to contribute \$1,372,218.91 to the Planning Agreement for 13-21 Lachlan Street, 2-4 Bruce Street and 7-19 Amelia Street Waterloo, noting that, because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
- (B) note the reasons why a satisfactory result would not be achieved by inviting tenders are:
- (i) the developer will be delivering community infrastructure in the form of portions of the road infrastructure, adjacent to the City owned land as works-in-kind (required by Clause 6.14 of Sydney Local Environmental Plan 2012);
  - (ii) the infrastructure works will be co-ordinated and delivered as one project in a timely manner as part of the development to the adjacent site at 13-17 Lachlan Street and 2-4 Bruce Street, Waterloo;
  - (iii) delivery as one project will facilitate completion of the Gadigal Avenue works approximately two years earlier through access to the respective parcels of land, which will also reduce disruption to the local community as works on City-owned land could not commence until the Developer's Works were completed;



- (iv) the physical constraints prevent the delivery of the road infrastructure in separate stages in a cost efficient manner, as Bruce Street requires substantial level changes necessitating temporary and redundant works such as retaining walls;
  - (v) delivering the remaining infrastructure separately would restrict the pedestrian and vehicle access to the new development, necessitating a lengthy and expensive construction methodology by the City; and
  - (vi) the contribution provides value for money to the City as the offer by Mirvac Ping An Residential Developments Pty Limited provides financial savings when compared to the detailed costs estimates prepared by the City's quantity surveyor, including through elimination of temporary works and the existing knowledge, resources and experience associated with the project site;
- (C) endorse the delivery of the road infrastructure at 13-21 Lachlan Street, 2-4 Bruce Street and 7-19 Amelia Street Waterloo by Mirvac Ping An Residential Developments Pty Limited as set out in the Public Benefit Offer in confidential Attachment B to the subject report; and
- (D) endorse the City's contribution of \$1,372,218.91 from a forthcoming capital works budget to the Developer's Works for the construction of road infrastructure as part of the Planning Agreement for 13-21 Lachlan Street, 2-4 Bruce Street and 7-19 Amelia Street Waterloo.

Carried unanimously.

#### **ITEM 6.10**

##### **TENDER – THE DOMAIN CAR PARK LAWNS BRIDGE REMEDIATION (S118429)**

It is resolved that:

- (A) Council reject the tenders received for the Domain Car Park Lawns Bridge remediation, for the reasons set out in the confidential Attachment B to the subject report;
- (B) Council not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable companies over and above those that have responded to this tender;
- (C) Council note that entering into negotiations with suitably qualified companies will result in a value-for-money outcome for Council;
- (D) authority be delegated to the Chief Executive Officer to enter into negotiations and contract with suitably qualified companies to undertake the scope of works and administer the contract relating to the works; and
- (E) Council be informed of the successful company by way of a CEO Update.

Carried unanimously.

**ITEM 6.11**

**TENDER – TRUSS STRUCTURES FOR 2016 – 2018 SYDNEY NEW YEAR’S EVE (OPTION TO EXTEND TO 2019 AND 2020) (X003641.002)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer ‘E’ to supply truss structures for Sydney New Year’s Eve for a period of three years, with the option of an extension of two years, if appropriate;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

**ITEM 6.12**

**TENDER – LIGHTING FOR 2016 – 2018 SYDNEY NEW YEAR’S EVE (WITH OPTION TO EXTEND FOR 2019 AND 2020) (X003641.002)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer ‘F’, for the lump sum and the schedule of rates, to supply lighting for Sydney New Year’s Eve for a period of three years, with the option of an extension of two years, if appropriate;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate.

Carried unanimously.

Report of the Economic Development and Business Sub-Committee

Moved by Councillor Vithoukas seconded by Councillor Forster –

That the report of the Economic Development and Business Sub-Committee of its meeting of 18 July 2016 be received and the recommendation set out below for 6.13 be adopted.

Carried unanimously.

The Sub-Committee recommended the following:

**ITEM 6.13**

**KNOWLEDGE EXCHANGE SPONSORSHIP – GENERAL ASSEMBLY (X003414.005)**

It is resolved that:

- (A) Council approve a cash sponsorship of \$20,000 cash (excluding GST) to General Assembly Australia Pty Ltd for the General Assembly Event Series 2016; and
- (B) authority be delegated to the Chief Executive Officer to negotiate and enter into a sponsorship agreement with General Assembly Australia Pty Ltd.

Carried unanimously.

**ITEM 7 REPORT OF THE ENVIRONMENT COMMITTEE - 18 JULY 2016**

PRESENT

The Lord Mayor Councillor Clover Moore  
(Chair)

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

At the commencement of business at 2.43pm those present were -

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

**Apologies**

Councillor John Mant extended his apologies for his inability to attend the meeting of the Environment Committee.

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 Kok –

That the apologies from Councillors Mant and Doutney be accepted and leave of absence from the meeting be granted.

Carried unanimously.

The meeting of the Environment Committee concluded at 2.56pm.

Report of the Committee

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

That the report of the Environment Committee of its meeting of 18 July 2016 be received, and the recommendation set out below for Item 7.2 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****BOURKE STREET COMMUNITY GARDEN – EXTENSION (S101147)**

It is resolved that Council approve the extension of the Bourke Street Community Garden at 103 - 115 Bourke Street, Woolloomooloo.

Carried unanimously.

**Speakers**

Ms Georgina Bathurst and Mr Todd Israel addressed the meeting of the Environment Committee on Item 7.2.

**ITEM 8 REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 18 JULY 2016**

PRESENT

The Lord Mayor Councillor Clover Moore  
(Chair)

Councillor Jenny Green  
(Deputy Chair)

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

At the commencement of business at 2.57pm those present were -

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

**Apologies**

Councillor John Mant extended his apologies for his inability to attend the meeting of the Cultural and Community Committee.

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 Councillor Green, seconded by Councillor Kok –

That the apologies from Councillors Mant and Doutney be accepted and leave of absence from the meeting be granted.

Carried unanimously.

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

Report of the Committee

Moved by Councillor Green, seconded by Councillor Kok -

That the report of the Cultural and Community Committee of its meeting of 18 July 2016 be received, and the recommendations set out below for Items 8.2 and 8.3 be adopted, with Item 8.1 being noted.

Carried unanimously.

**ITEM 8.1**

**DISCLOSURES OF INTEREST**

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

The Committee recommended the following:

## **ITEM 8.2**

### **SOCIAL SUSTAINABILITY POLICY – FINAL FOR ADOPTION AND OUTCOMES OF PUBLIC CONSULTATION (S120601.011)**

It is resolved that:

- (A) Council adopt the final Social Sustainability Policy 2016, as shown at Attachment A to the subject report;
- (B) Council note the amendments and additions to the draft Social Sustainability Policy made in response to the public consultation process, as detailed in Attachment B to the subject report;
- (C) Council note the independent report on the outcomes of the public exhibition of the draft Social Sustainability Policy and Discussion Paper, as shown at Attachment C to the subject report;
- (D) Council note the Social Sustainability Evidence Paper 2016, as shown at Attachment D to the subject report, which informed the policy and sets out key evidence on the opportunities and challenges facing the city and its communities; and
- (E) authority be delegated to the Chief Executive Officer to make amendments to the Social Sustainability Policy 2016 in order to correct any minor drafting errors.

Carried unanimously.

## **Speakers**

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

## **ITEM 8.3**

### **DRAFT CULTURAL RIBBON STRATEGY – PUBLIC EXHIBITION (S123840)**

It is resolved that:

- (A) Council approve the draft Cultural Ribbon Strategy, as shown at Attachment A to the subject report, for public exhibition for a minimum period of four weeks;
- (B) authority be delegated to the Chief Executive Officer to undertake minor editorial and graphical amendments to the draft Strategy prior to its public exhibition; and
- (C) a report be brought back to Council with the results of public and stakeholder comments from the exhibition period and a recommended final Strategy.

Carried unanimously.

**ITEM 9 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 19 JULY 2016**

PRESENT

The Lord Mayor Councillor Clover Moore  
(Chair)

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

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

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

**Apologies**

Councillor Irene Doughty 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 Green -

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

Carried unanimously.

Councillor John Mant extended his apologies for his inability to attend the meeting of the Planning and Development Committee.

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

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

Carried unanimously.

**Adjournment**

At 5.32pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Scott -

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

Carried.

At the resumption of the meeting of the Planning and Development Committee at 5.47pm, those present were:

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



### **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 the Lord Mayor as Chair, commenced at 4.12pm.

The Major Development Assessment Sub-Committee, with Councillor Kok as Deputy Chair, commenced at 6.15pm.

The Development Assessment Sub-Committee, with the Lord Mayor as Chair, commenced at 6.28pm.

### **Order of Business**

The Planning and Development Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Item 4 be brought forward and dealt with before Item 2.

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 6.45pm.

### **ITEM 9.1**

#### **DISCLOSURES OF INTEREST**

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

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

At a later stage of the meeting, at the commencement of the Development Assessment Sub-Committee, Councillor Angela Vithoukas disclosed a less than significant, non-pecuniary interest in item 9.13 on the agenda in that she works opposite the site, the subject of the development.

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

That the report of the Transport, Heritage and Planning Sub-Committee of its meeting of 19 July 2016 be received, with Item 9.1 being noted, the recommendations set out below for Items 9.2, 9.3 and 9.5 to 9.8 inclusive being adopted, and Item 9.4 being dealt with as shown immediately following that item.

Carried unanimously.

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

**ITEM 9.2**

**TRAFFIC TREATMENT – STREETSCAPE IMPROVEMENTS – MISSENDEN ROAD CAMPERDOWN (S123169.005)**

It is resolved that Council approve the traffic treatments and streetscape improvements proposed for Missenden Road between King Street, Newtown and Parramatta Road, Camperdown.

Carried unanimously.

**ITEM 9.3**

**TRAFFIC TREATMENT – PERMANENT ROAD CLOSURE – ASHMORE STREET ERSKINEVILLE (S061476)**

It is resolved that Council approve the permanent road closure to vehicles of the one-way eastbound section of Ashmore Street, Erskineville, between the points 0 metres and 20.7 metres east of Binning Street.

Carried unanimously.

**ITEM 9.4**

**THE CENTRAL SYDNEY PLANNING STRATEGY - PLANNING PROPOSAL TO AMEND SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – AMENDMENTS TO SYDNEY DEVELOPMENT CONTROL PLAN 2012 (S064204)**

The Transport, Heritage and Planning Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 25 July 2016.

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

It is resolved that:

- (A) Council endorse the draft Central Sydney Planning Strategy, shown at Attachment A to the subject report, for public exhibition;
- (B) authority be delegated to the Chief Executive Officer to prepare a draft Guideline to Preparing Site-Specific Planning Proposal Requests in Central Sydney document in accordance with the following principles to:
  - (i) provide opportunities for strategic floor space on appropriate sites that serve the workforce, visitors and wider community;
  - (ii) provide opportunities on Strategic Opportunity Sites for additional height where significant public benefit can be demonstrated;
  - (iii) ensure planning proposals align with the aims, objectives and actions of the draft Central Sydney Planning Strategy and have planning and architectural merit;
  - (iv) ensure that planning proposals commit to achieving sustainable development above minimum requirements;
  - (v) provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure, particularly public transport, open space and pedestrian infrastructure;
  - (vi) describe the City's priorities for public infrastructure needed to support growth;
  - (vii) provide a transparent and consistent approach to the evaluation of planning proposals in Central Sydney; and
  - (viii) describe the process for preparing site-specific planning proposals, including required supporting documentation, and the decision making process;
- (C) Council endorse the nine aims in Section 1 of the draft Central Sydney Planning Strategy as matters to be addressed in any Planning Proposal for a site in Central Sydney which seeks to amend Sydney Local Environmental Plan 2012;
- (D) Council approve the Planning Proposal: Central Sydney, shown at Attachment B to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway determination;
- (E) Council approve the Planning Proposal: Central Sydney, shown at Attachment B, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway determination;
- (F) Council seek authority from the Greater Sydney Commission to exercise delegation of the Greater Sydney Commission of all the functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan to put into effect Planning Proposal: Central Sydney amendments to Sydney Local Environmental Plan 2012;
- (G) Council approve for public exhibition the amendments to Sydney Development Control Plan 2012, shown at Attachment C to the subject report, concurrently with the Planning Proposal: Central Sydney;

- (H) Council note that the draft Central Sydney Planning Strategy, shown at Attachment A, will be made available for public comment concurrently with the public exhibition of Planning Proposal: Central Sydney and amendments to Sydney Development Control Plan 2012;
- (I) authority be delegated to the Chief Executive Officer to make any minor changes, and any changes required by the Greater Sydney Commission to the Planning Proposal: Central Sydney, or Sydney Development Control Plan 2012 following receipt of the Gateway Determination prior to the exhibition;
- (J) authority be delegated to the Chief Executive Officer to exhibit a draft Guideline to Preparing Site-Specific Planning Proposal Requests in Central Sydney document at the same time as the Planning Proposal: Central Sydney;
- (K) Council approve the Draft Central Sydney Affordable Housing Program, shown at Attachment D to the subject report, for public exhibition with Planning Proposal: Central Sydney;
- (L) authority be delegated to the Chief Executive Officer to make minor changes to the Draft Central Sydney Affordable Housing Program, shown at Attachment D, prior to public exhibition; and
- (M) authority be delegated to the Chief Executive Officer to write to the Secretary of the Department of Planning and Environment requesting the Department of Planning and Environment and the City work together to:
  - (i) prepare a new section 117 Direction from the Minister for Planning limiting any new additional floor space in Central Sydney to employment generating floor space;
  - (ii) streamline the Gateway process for planning proposals consistent with the draft Central Sydney Planning Strategy and Guideline;
  - (iii) monitor the ongoing net growth of employment floor space in conjunction with the Central Sydney Planning Committee;
  - (iv) expand the application of the Central Sydney provisions of the Sydney Local Environmental Plan 2012 to The Rocks, Central Station, Darling Harbour and Central Park;
  - (v) revise State-Significant cost thresholds for the City of Sydney; and
  - (vi) investigate how changes in strata or ownership models can enable the renewal of buildings as they approach the end of their economic life.

Carried unanimously.

Note – The Chair (the Lord Mayor) and Councillors extended their thanks to Council staff and, in particular, Graham Jahn, Director City Planning, Development and Transport; Andrew Thomas, Executive Manager, Strategic Planning and Urban Design; Sally Peters, Manager Central Sydney Planning; Tim Wise, Senior Specialist Planner; and Jesse McNicol, Urban Design Co-ordinator, for the work undertaken on the Central Sydney Planning Strategy.

**Speakers**

Mr Chris Johnson, Mr Steven De Pasquale, Mr Eamon Waterford, Mr Tim Blythe and Ms Jeanette Brokman addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.4.

**ITEM 9.5****POST EXHIBITION – 45 MURRAY STREET PYRMONT – PLANNING PROPOSAL AND SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENT (X001126)**

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of the Planning Proposal: Sydney Local Environmental Plan 2012 – 45 Murray Street, Pyrmont, in the subject report;
- (B) Council approve the Planning Proposal: Sydney Local Environmental Plan 2012 – 45 Murray Street, Pyrmont, shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve the Draft Sydney Development Control Plan 2012: 45 Murray Street, Pyrmont, shown at Attachment B to the subject report, specifying the date of publication of the subject local environmental plan as the date the approved development control plan comes into effect, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000; and
- (D) authority be delegated to the Chief Executive Officer to make any minor changes to Planning Proposal: Sydney Local Environmental Plan 2012 – 45 Murray Street, Pyrmont, and Draft Sydney Development Control Plan 2012: 45 Murray Street, Pyrmont Amendment to correct drafting errors prior to finalisation of the local environmental plan and draft development control plan amendment.

Carried unanimously.

**Speakers**

Mr Mark Constantine addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.5.

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

It is resolved that:

- (A) Council note matters raised in response to the public exhibition of Planning Proposal – APDG Site Block 4 and the draft Sydney Development Control Plan 2012 – APDG Site Block 4, as shown at Attachment A to the subject report;

- (B) Council approve the revised Planning Proposal - APDG Site Block 4, as shown at Attachment B to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve the revised Draft Sydney Development Control Plan 2012 - APDG Site Block 4, as shown at Attachment C to the subject report, specifying the date of publication of the subject Local Environmental Plan as the date the approved Development Control Plan comes into effect, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000;
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - APDG Site Block 4 and Draft Sydney Development Control Plan 2012 - APDG Site Block 4 to correct drafting errors prior to finalisation of the Local Environmental Plan;
- (E) Council note that the Planning Agreement, as shown at Attachment D to the subject report, is to be executed on behalf of Council with Lend Lease in accordance with the Environmental Planning and Assessment Act 1979;
- (F) Council note that the Local Environmental Plan will not be made until the Planning Agreement, as shown at Attachment D, has been entered into by the Council and the relevant proponents, and registered on title of the relevant properties; and
- (G) Council approve the transfer of the 'Mirvac Triangle', being Lots 2 and 3, DP 1213767, to Lend Lease in accordance with the Planning Agreement.

Carried unanimously.

#### **ITEM 9.7**

#### **PUBLIC EXHIBITION – PLANNING PROPOSAL – AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2013 - GREEN SQUARE TOWN CENTRE - MIRVAC GREEN SQUARE AND URBANGROWTH NSW (X005215)**

It is resolved that:

- (A) Council approve Planning Proposal: Green Square Town Centre – Sites 355 Botany Road, 377-497 Botany Road and 956-960 Bourke Street, Zetland, shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway Determination;
- (B) Council approve Planning Proposal: Green Square Town Centre – Sites 355 Botany Road, 377-497 Botany Road and 956-960 Bourke Street, Zetland for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Greater Sydney Commission to exercise the delegation of the Greater Sydney Commission of all the functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan to put into effect Planning Proposal: Green Square Town Centre – Sites 355 Botany Road, 377-497 Botany Road and 956-960 Bourke Street, Zetland; and

- (D) authority be delegated to the Chief Executive Officer to make any minor changes and any changes required by the Greater Sydney Commission to Planning Proposal: Green Square Town Centre – Sites 355 Botany Road, 377-497 Botany Road and 956-960 Bourke Street, Zetland following receipt of the Gateway Determination prior to the exhibition.

Carried unanimously.

## **ITEM 9.8**

### **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 and C to the subject report;
- (C) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 213 Cleveland Street, Redfern, as detailed in Attachment B; and
- (D) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 161-163 Glebe Point Road, Glebe, as detailed in Attachment C.

Carried unanimously.

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

Moved by Councillor Kok, seconded by Councillor Green -

That the report of the Major Development Assessment Sub-Committee of its meeting of 19 July 2016 be received, with Item 9.9 being dealt with as shown immediately following that item.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

## **ITEM 9.9**

### **DEVELOPMENT APPLICATION: 26-34 HUTCHINSON STREET SURRY HILLS (D/2015/1372)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 25 July 2016, to enable a site inspection to be undertaken of the subject site.

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

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 'Height of Buildings' in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/1372, subject to the conditions as detailed in the subject report to the Planning and Development Committee on 19 July 2016, amended as follows (**amendments shown in bold italics (additions) and ~~striketrough~~ (deletions)**):

**(4) DESIGN MODIFICATIONS**

The design must be amended as follows:

- (a) The rooftop terrace allocated to Apartment 16 is to be reallocated as communal open space and the rooftop and Apartment 16 redesigned accordingly to remove direct access from Apartment 16 to this area;
- (b) The design of the rooftop awning is to be further refined and reduced in size in order to minimise impacts to the outlook from the adjoining rooftop terraces at 36-38 Hutchinson Street;
- (c) The side wall shown on the northern side of the balcony of Apartment 14 is not approved and is to be deleted from the plans;
- (d) The annotations TOW 61.650 on the Level 4 plans are to be deleted;
- (e) Adequate provision for drainage is to be provided at the base of the communal rooftop stair. A detailed section and supporting hydraulic information prepared by a suitably qualified hydraulic engineer is to be provided;
- (f) The lower planters located directly behind the parapet on the western and eastern facades are to be replaced with ballast or another appropriate architectural treatment;
- (g) A minimum of (4) small trees with an approximate mature height of 3m are to be provided within the roof terrace. A minimum soil depth and volume of 800mm and 9m<sup>3</sup> respectively is to be provided for each of the trees, which are to be positioned so as to not create a fall risk when being maintained and to maintain outlook from the adjoining rooftop terraces;
- (h) Fixed seating is to be provided on the western side of the communal rooftop terrace;
- (i) A selection of roof trusses are to be retained and displayed behind the retained gable facing Hutchinson Place at Level 2;
- (j) The adjustable metal louvres shown on the Hutchinson Place elevation at ground level are to be deleted from the plans and replaced with internal operable shutters;
- (k) Privacy louvres to windows of bedrooms and bathrooms facing on to the lightwell are to be in a fixed horizontal position, and the proposed materials and the angle of the blades are to be specified on the drawings;



- (l) The balconies of Apartments 2 and 3 are to be amended in order to prevent access to and from the planter on the southern boundary; ~~and~~
- (m) The hydrant boost cabinet is to be relocated to the south western corner of the development and included on the western elevation drawing; **and**
- (n) ***To assist in the provision of additional light to windows located on the northern boundary of 36-38 Hutchinson Street, the southern façade of the subject building is to incorporate a light coloured finish.***

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

Carried unanimously.

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

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 'Height of Buildings' in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/1372, 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/2015/1372 dated 23 September 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
A-2501 Rev 04	SJB	16.05.2016
A-0200 Rev 02	SJB	31.05.2016
A-0201 Rev 18	SJB	08.06.2016
A-0202 Rev 16	SJB	16.05.2016
A-0203 Rev 18	SJB	16.05.2016

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
A-0204 Rev 07	SJB	16.05.2016
A-0501 Rev 08	SJB	16.05.2016
A-0502 Rev 09	SJB	16.05.2016
A-0601 Rev 11	SJB	16.05.2016
A-0602 Rev 09	SJB	16.05.2016
A-1401 Rev 06	SJB	16.05.2016
A-1402 Rev 04	SJB	16.05.2016

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 EASTERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006**

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), and the 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	\$12,118.36
Public Domain	\$23,365.42
New Open Space	\$190,109.16
Accessibility	\$1,197.75
Management	\$2,073.53
Total	\$229,584.21

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.

### **(3) MATTERS NOT APPROVED**

The following items are not approved and do not form part of this consent:

- (a) Any mechanical exhaust grilles which are not shown on the elevations.

A Section 96 application will be required for any of the above.

### **(4) DESIGN MODIFICATIONS**

The design must be amended as follows:

- (a) The rooftop terrace allocated to Apartment 16 is to be reallocated as communal open space and the rooftop and Apartment 16 redesigned accordingly to remove direct access from Apartment 16 to this area;
- (b) The design of the rooftop awning is to be further refined and reduced in size in order to minimise impacts to the outlook from the adjoining rooftop terraces at 36-38 Hutchinson Street;
- (c) The side wall shown on the northern side of the balcony of Apartment 14 is not approved and is to be deleted from the plans;
- (d) The annotations TOW 61.650 on the Level 4 plans are to be deleted;
- (e) Adequate provision for drainage is to be provided at the base of the communal rooftop stair. A detailed section and supporting hydraulic information prepared by a suitably qualified hydraulic engineer is to be provided;

- (f) The lower planters located directly behind the parapet on the western and eastern facades are to be replaced with ballast or another appropriate architectural treatment;
- (g) A minimum of (4) small trees with an approximate mature height of 3m are to be provided within the roof terrace. A minimum soil depth and volume of 800mm and 9m<sup>3</sup> respectively is to be provided for each of the trees, which are to be positioned so as to not create a fall risk when being maintained and to maintain outlook from the adjoining rooftop terraces;
- (h) Fixed seating is to be provided on the western side of the communal rooftop terrace;
- (i) A selection of roof trusses are to be retained and displayed behind the retained gable facing Hutchinson Place at Level 2;
- (j) The adjustable metal louvres shown on the Hutchinson Place elevation at ground level are to be deleted from the plans and replaced with internal operable shutters;
- (k) Privacy louvres to windows of bedrooms and bathrooms facing on to the lightwell are to be in a fixed horizontal position, and the proposed materials and the angle of the blades are to be specified on the drawings;
- (l) The balconies of Apartments 2 and 3 are to be amended in order to prevent access to and from the planter on the southern boundary;
- (m) The hydrant boost cabinet is to be relocated to the south western corner of the development and included on the western elevation drawing; and
- (n) To assist in the provision of additional light to windows located on the northern boundary of 36-38 Hutchinson Street, the southern façade of the subject building is to incorporate a light coloured finish.

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

## **(5) STORAGE**

Prior to the issue of a Construction Certificate, a storage schedule and diagrams must be submitted to and approved by Council's Director City Planning, Development and Transport. The minimum storage requirements of the Apartment Design Guide must be met.

Note: Storage in bedrooms, kitchens, bathrooms and laundries must be excluded from the calculation.

## **(6) OPERABLE WINDOW DETAILS**

The design of the fenestration must demonstrate how the natural ventilation requirements of the Apartment Design Guide and the Building Code of Australia are achieved without compromising security for residents. The method of measurement must be in accordance with the definition of Effective Openable Area as defined by the Apartment Design Guide.

- (a) Prior to the issue of a Construction Certificate, the following design details of the proposed fenestration must be submitted to, and approved by, Council's Director City Planning, Development and Transport:
  - (i) Detailed elevation drawings which show the size, type and location of all operable sashes in relation to the floor area served by those sashes; and
  - (ii) Details of any proposed insect screens or other barriers to free air flow.
- (b) All fenestration details shown in the approved drawings are to be completed prior to an Occupation Certificate being issued.

**(7) MATERIALS AND SAMPLES BOARD**

A detailed Material Sample Board is to be provided to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate. The board must contain actual product samples, product and manufacturer's specifications rather than a photographic reproduction or generic images. The samples must be graphically coded via a legend which is duplicated on the elevation drawings.

**(8) RETENTION OF EXISTING TIMBER WINDOWS**

Existing timber windows are to be retained and repaired. The window components beyond repair may be replaced like for like.

**(9) PAINT REMOVAL FROM EXISTING FACE BRICK WALL**

- (a) Removal of the paint on the brick walls is to be carried out by suitably qualified professional experienced in heritage buildings.
- (b) The least impact removal measure is to be worked out by trials on small patches. The test result and final measure to be adopted are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the commencement of extensive paint removal.

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

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

**(11) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 67.325 (AHD) to the top of the lift overrun, RL 66.125 (AHD) to the top of the rooftop awning; RL 64.600 (AHD) to the top of the wall of the eastern rooftop planter; RL 64.285 (AHD) to the top of the wall of the western rooftop planter; and RL 64.070 (AHD) to the top of the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

**(12) 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 2.98:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR the total Gross Floor Area is 1,850.8m<sup>2</sup>.
- (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.

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

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated to adaptable units. The car spaces must be assigned to the unit in any future strata subdivision of the building.

**(14) MECHANICAL PARKING FACILITIES**

A Report addressing the following is to be submitted with respect to the proposed mechanical parking stacker:

- (a) Confirmation that the provision of parking is in compliance with the relevant Australian Standards for off-street car parking;
- (b) The predicted noise and vibration levels arising from the car parking area received by occupiers of the building, including references to relevant Standards;
- (c) Operational management and use of the stacker including:
  - (i) Queuing of vehicles;
  - (ii) Procedures during any system failure; and
  - (iii) Ensuring that the facility is operated in a manner that is consistent with the manufacturer specifications.

The Parking and Access Report is to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issuing of a Construction Certificate.

**(15) MECHANICAL PARKING FACILITIES**

Mechanical parking facilities must be installed in compliance with the manufacturer specifications and in compliance with AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking.

**(16) MECHANICAL PARKING FACILITIES – SUITABILITY FOR PEOPLE WITH A DISABILITY**

A statement is required regarding the suitability of the proposed mechanical parking facility for people with a disability, including parking and access. The report must be submitted to and approved by Council prior to a Construction Certificate being issued.

**(17) 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	10
Accessible residential spaces	2
Residential visitor spaces	0
<b>Subtotal</b>	<b>12</b>
Motorcycle parking	1
Service vehicle spaces (standard car or small delivery van)	1
<b>Total</b>	<b>14</b>

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

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

Bicycle Parking Type	Number	Requirements
Residential	18	Spaces must be a Class 1 bicycle locker
Residential visitor	2	Spaces can be Class 2 or Class 3 bicycle rails
End of Trip Facility Type	Number	
Personal lockers	2	

Note: 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. The details must be submitted to and approved by the Principle Certifying Authority prior to the Construction Certificate being issued.

**(20) CHANGES TO KERB SIDE PARKING RESTRICTIONS**

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

**(21) 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.

**(22) 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.

**(23) 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.

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

No part of the common property, apart from 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.



**(25) 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.

**(26) 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.

**(27) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 5.2m.

**(28) SIGNS AT EGRESS**

The following signs must be provided and maintained within the site at the point 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.

**(29) 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.

**(30) 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".

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

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

**(32) 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; and
- (d) Wiring shall be fully concealed.

**(33) 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.

**(34) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) The building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use from "residential accommodation" as defined in Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

**(35) RESTRICTION ON USE OF CAR STACKER**

The following conditions apply to the car stacker:(a) The on-site car parking spaces within the car stacker are not to be used other than by an occupant, tenant or resident of the subject building.

- (b) Prior to an Occupation Certificate being issued, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

**(36) POSITIVE COVENANT – APARTMENT 1 LANDSCAPED AREA**

The owner or occupier of the residential unit denoted as Apartment 1 on the approved plans is to be responsible for the maintenance and upkeep of the raised planter area adjoining the northern boundary of the land and located centrally within Apartment 1. In addition, this raised planter area must remain as a soft landscaped garden and is not permitted to be paved.

Any strata subdivision of the site is to allocate this raised planter bed as Common Property and a Positive Covenant is to be created, burdening the common property and lot in the Strata Subdivision Plan containing Apartment 1, pursuant to Section 88B of the Conveyancing Act 1919, appurtenant to Council, in terms to the satisfaction of Council requiring the owner of the lot containing Apartment 1 to be responsible for the maintenance and upkeep of the common property area containing the raised planter bed referred to above and further prohibiting any change of this common property area from a soft landscaped garden area.

**(37) ALCOVE LIGHTING**

The proposed alcove on the Hutchinson Street elevation 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.

**(38) 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.

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

A site specific noise management plan shall be submitted to the Council's Director City Planning, Development and Transport 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) Details as to 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.

**(40) 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 as received and approved by the City prior to Construction Certificate.

- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by Council's Health and Building Unit.

**(41) 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 Koikas Acoustics Pty Ltd, dated 16<sup>th</sup> September 2015, ref 2781R20150717as26-34Hutchinsonst\_v2.docx, titled 'Acoustic Report 26-34 Hutchinson Street, Surry Hills NSW', Council Ref [2015/506889] 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) All baseline environmental performance parameters are set out in Table 3 – Environmental Noise levels.
  - (ii) Traffic noise intrusion at the façade of the proposed development must not exceed predicted traffic noise levels set out in Table 6 – Façade traffic noise levels.
  - (iii) Section 5.1.2 Façade recommendations must be incorporated into the development including external walls, ceiling/roof, glazing – option 1 and option 2 (where each applies) and timber entry doors.
  - (iv) If the existing site condition at 117-119 Flinders Street remains a vacant block, the proposed development must close windows and doors in Apartment 8, 9, 14 and 15 and all bedrooms that front Hutchinson place in order to comply with Sydney DCP 2012 noise criteria. Additional ventilation requirements will apply in this instance.

- (v) If the existing site condition at 117-119 Flinders Street is to be developed (and subject to verification of noise levels prior to construction) then natural ventilation will be suitable for all rooms within the subject development.
  - (vi) Section 5.2 Mechanical Plant and Equipment – Noise from industrial sources must not exceed project specific noise criteria set out in Table 8 – Compliance noise levels.
  - (vii) Section 5.3 Inter-tenancy noise recommendations including section 5.3.1 partition walls – table 9, 5.3.2 Floor/Ceiling, Section 5.3.3 services partitions and recommendations – table 10, Section 5.3.4 sound insulation of pumps.
- (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.

#### **(42) AIR HANDLING**

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

#### **(43) 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.

### **SCHEDULE 1B**

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

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

**(44) 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.

**(45) 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.



**(46) LANDSCAPED (GREEN) ROOFS**

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate. The plan must include:
  - (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
  - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
  - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.
  - (v) Details of the soil media/substrate type and depth.
  - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
  - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
  - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate, the following details are to be submitted to and approved by the Principal Certifying Authority:
  - (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
  - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate.
- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
  - (i) Frequency and methodology of different maintenance requirements including the removal of green waste.

- (ii) Details of safety procedures.
  - (iii) Laminated copies of 'As Built' drawings.
  - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
  - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
  - (vi) Decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

**(47) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

A Construction Traffic Management Plan must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued.

**(48) 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.

**(49) 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's Director City Planning, Development and Transport prior to a Construction Certificate being issued.

**(50) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover) and the City of Sydney Managing Asbestos Policy.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

**(51) CLASSIFICATION OF WASTE**

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

**(52) IMPORTED FILL MATERIALS**

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

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

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

**(53) 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) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate.

- (d) If the discovery is on Council's land, Council must be informed.

**(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) 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.

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

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

**(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.

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

#### **(65) FLOODING**

Prior to the issue of any Construction Certificate the Principal Certifying Authority must be satisfied that: The ground floor entry and all possible ingress points to the carpark and building, such as ventilation ducts, windows, light wells, lift shaft openings risers and stairwells are at least 300mm above the gutter invert at Hutchinson Street;

- (b) A watertight structure of 300mm above the footpath level at Hutchinson Place is provided for the car staking area; and
- (c) A watertight structure of 300mm is provided at the southern side of the site boundary for Car staking area.

#### **(66) 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.

**(67) 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.

**(68) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the Hutchinson Place 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.

**(69) PUBLIC DOMAIN DAMAGE DEPOSIT**

A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of Asphalt along Hutchinson Street site frontage and 4 Lineal Metres of Concrete along Hutchinson Place 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.

#### **(70) 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.

#### **(71) 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.

**(72) DILAPIDATION REPORT – MINOR**

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Principal Certifying Authority:

- (a) prior to the commencement of demolition/excavation works; and
- (b) on completion of construction demolition/excavation works.

**(73) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS**

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

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

A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of the Construction Certificate. The Strategy is to detail how the proposed works will ensure that the buildings at 22-24 and 36-38 Hutchinson Street will be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.

- (a) Additionally the protection strategy is to include:
  - (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
  - (ii) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
  - (iii) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. This report should address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.
  - (iv) Details of the proposed protection of party walls from damp and water ingress during the works.

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

The Erosion and Sediment Control Plan accompanying this Development Application has not been approved by this consent.

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; and
  - (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; and
  - (ix) other site-specific soil or water conservation structures.

**(76) 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).

**(77) 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.

**(78) 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.

**(79) WORKS REQUIRING 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 is to be obtained from Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

**(80) STRATA SUBDIVISION – DEVELOPMENT CONSENT**

Any proposal for strata subdivision will require development consent and therefore the lodgement of a separate development application or complying development application and subsequent approval from Council, or an accredited certifier, of the Strata Plan – and issue of a Strata Certificate, under the Strata Schemes (Freehold Development) Act 1973.

**(81) LOT CONSOLIDATION**

All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

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

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

<b>Tree No:</b>	<b>Botanical / Common Name</b>	<b>Location</b>
1	Tristaniopsis laurina (Water Gum)	Street Tree

**(83) TREE ROOT PROTECTION (STRUCTURAL ROOT ZONE)**

Structural Root Zone (SRZ) Schedule:

<b>Tree No:</b>	<b>Botanical/Common Name</b>	<b>Tree Location</b>	<b>SRZ (m) from Trunk</b>
1	Tristaniopsis laurina (Water Gum)	Street Tree	1.9 metres

- (a) Prior to the installation of the new driveway and crossover, exploratory root investigation must be undertaken by a qualified Arborist (minimum AQF Level 5) along the southern alignment. This shall consist of carefully remove asphalt and hand digging a trench to expose tree roots to the proposed depth of the driveway and crossover. 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 installation of the driveway and crossover;
- (b) The design method for the new driveway and crossover shall be amended if in the event any large structural roots (greater than 50mm diameter) are identified as a result of the exploratory root investigation. The amended design shall ensure that the long term health and satiability of the tree is not compromised as a result of installation of the driveway crossover;
- (c) Any root pruning which has been approved by Council must be undertaken by a qualified Arborist with a minimum AQF level 3.

**(84) STREET TREE PROTECTION**

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

- (a) Tree trunk and major limb protection shall be undertaken prior to the issuing of the Construction Certificate. The protection shall be installed by a qualified Arborist (AQF 2 or 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
  - (ii) Tree trunk/s must be protected by wrapped hessian or similar material to limit damage;
  - (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; and
  - (iv) Tree trunk protection is to remain in place for the duration of construction and development works, and shall be removed at the completion of the project.
- (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 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

**(85) 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'.



**(86) 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 Ausgrid, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

**(87) WORK IN PROXIMITY TO OVERHEAD POWER LINES**

- (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's Network Standards; and
  - (iii) Ausgrid's Electrical Safety Rules.
- (b) The developer is to ensure that the proposed works do not contravene Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network.

**(88) 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.

**(89) 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.

**(90) 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.

**(91) 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 Director City Planning, Development and Transport 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.

**(92) WASTE MANAGEMENT FACILITIES**

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

- (a) The residential garbage room to be designed in accordance with Council's "Policy for Waste Minimisation in New Developments 2005" to allow for cleaning, draining and management of the room; and
- (b) The residential garbage room to include adequate space within the room for the manoeuvring of bins and the separation of putrescible waste from waste suitable for recycling.

**(93) WASTE STORAGE**

- (a) Waste and recycling receptacles are to be stored on property at all times with Council provided with an access key for servicing; and
- (b) A storage area for discarded bulky items must be provided.

**(94) WASTE AND RECYCLING COLLECTION**

- (a) The maximum travel distance between the storage point and collection point for all waste and recycling receptacles shall be no more than 10 meters;
- (b) Unimpeded access shall be provided for collection vehicles between 6.00am and 6.00pm on collection days;
- (c) Waste and recycling containers will not be supplied until construction in developments is completed unless otherwise organised with waste services; and
- (d) The development must have a residential rating or have applied for a residential rating prior to City of Sydney waste services commencing.

**SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(95) BASIX**

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

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

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

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

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

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

**(97) 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.**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.

**(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.

**(103) 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.

**(104) 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.

**(105) 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.

**(106) 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.

**(107) 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.

#### **(108) 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.

#### **(109) 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.

#### **(110) 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.

#### **(111) 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.

#### **(112) 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.

#### **(113) 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 Nika Malek and Mr Adam Haddow addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.9.

Report of the Development Assessment Sub-Committee

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

That the report of the Development Assessment Sub-Committee of its meeting of 19 July be received, with the recommendations set out below for Items 9.10, 9.11 and 9.13 to 9.15 inclusive and the alternative recommendation for Item 9.12 being adopted.

Carried unanimously.

**ITEM 9.10****DEVELOPMENT APPLICATION: 23 NORTON STREET SURRY HILLS (D/2015/1504)**

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 'Height of Buildings' in accordance with Clause 4.6 'Exceptions to development standards' in Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/1504, 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/2015/1504 dated 20 October 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
Plan 01 (Rev. C)	CO-AP	22.04.2016
Plan 02 (Rev. B)	CO-AP	16.02.2016
Plan 03 (Rev. C)	CO-AP	22.04.2016
Roof (Rev. C)	CO-AP	22.04.2016
Elevation East & West	CO-AP	22.04.2016
Section A & B	CO-AP	22.04.2016



<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
Section C	CO-AP	16.06.2016

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 front dormer window to Norton Street must be no larger in size and proportion than that of the first floor windows. The dormer window must be setback a minimum of 1m (measured horizontally) from the front facade.
- (b) The window opening on the western elevation of the rear roof extension must have a minimum sill height of 1.4m above the finished floor level.
- (c) The louver windows on the western elevation of the rear roof extension must be treated with an opaque film to reduce privacy impacts upon surrounding development.
- (d) The rear roof extension must be setback a minimum of 500mm from the side walls as measured from the inner edge of the buildings side.

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

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

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

The external colour scheme is to comprise predominantly earthy tones in keeping with the overall Victorian character of the building and character of the Heritage Conservation Area. A schedule of colours is to be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of the Construction Certificate. The documentation must show the distribution of the colours on the elevation drawings, specify paint types and include colour swatches/colour names and codes.

It is recommended that reference be made to the book "Colour Schemes for Old Australian Houses" by Ian Evans, Clive Lucas and Ian Stapleton.

**SCHEDULE 1B****Prior to Construction Certification/Commencement of Work/Health and Building****(4) ASBESTOS REMOVAL WORKS**

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

- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

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

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

**(6) BUILDING WORKS TO COMPLY WITH BCA – BUILDINGS WITHIN CONSERVATION AREA**

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

**(7) 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.

**(8) REAR ROOF EXTENSIONS**

- (a) The external faces of the roof extensions to the rear of a building are to be set down a minimum of 200mm below the ridge line as measured along the roof slope from the ridge.

- (b) The roof of the extension must have a minimum 5 degree pitch, and slope down from the ridge towards the rear elevation of the property.
- (c) The flashing or waterproofing of the rear roof extension is not to span the roof ridge and is not to be visible from the front street.
- (d) The width of the roof extensions must not be more than 4 metres.
- (e) The external walls of the extension must be clad with weatherboards, corrugated steel or a similar profiled material approved by Council.

**(9) 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.

**(10) 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.

**SCHEDULE 1C**

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

**(11) BASIX**

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

**(12) HOURS OF WORK AND NOISE**

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) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(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) 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 being issued.

**(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.

**(17) COVERING OF LOADS**

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

**(18) VEHICLE CLEANSING**

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

**SCHEDULE 2**

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

Carried unanimously.

**ITEM 9.11****DEVELOPMENT APPLICATION: 53-55 BALFOUR STREET CHIPPENDALE (D/2016/615)**

It is resolved that

- (A) Council support the variation sought to Clause 4.3 'Building Height' 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/2016/615, pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979, subject to the following conditions:

**SCHEDULE 1A****APPROVED DEVELOPMENT**

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

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2016/615 dated 17 May 2016 and the following drawings by Gray Puksand Architects:

<b>Drawing Number</b>	<b>Title</b>	<b>Date</b>
215222/DA002 (P3)	Roof Plan & Location Plan	May 2016
215222/DA003 (P8)	Proposed Roof Deck	May 2016
215222/DA004 (P3)	Street Elevation	May 2016

<b>Drawing Number</b>	<b>Title</b>	<b>Date</b>
215222/DA007 (P3)	Section 1	May 2016
215222/DA008 (P3)	Section 2	May 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 metal roof and associated structure shall be reduced in length such that it is setback 2.7m from the outer edge of the existing building's southern roof parapet.

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

**(3) USE OF ROOF TOP TERRACE AND DECK**

The use of the roof terrace and deck at the premises must comply with the following operational restrictions:

- (a) The permitted hours of use of the roof terrace and deck are restricted to between 8:00am and 6:00pm Monday to Friday inclusive; and
- (b) The roof terrace and deck are only to be used by staff, students and contractors of the existing education college. There is to be no public access to the rooftop area.

**(4) NO ENCLOSURE**

The roof deck area shall remain open and not be enclosed by any walls not shown on the approved drawings without the consent of Council.

**(5) POM TO BE SUBMITTED AND APPROVED**

- (a) The Plan of Management (POM) accompanying this Development Application has not been approved by this consent.
- (b) A Plan of Management must be prepared to address all operational and management procedures to be employed, to ensure that the terrace can operate without disturbance to the surrounding locality. The plan must address the whole of the terrace operations and reflect the matters contained in the Schedule 3 of the Sydney Development Control Plan 2012.

- (c) The plan must include but not be restricted to; compliance with all other operational conditions of this consent; hours of use; noise; security management; provision and maintenance of sufficient cigarette receptacles and waste facilities; and handling complaints.
- (d) The plan must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

**(6) COPIES OF CONSENTS AND MANAGEMENT PLANS**

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

**(7) 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.

**(8) MAXIMUM CAPACITY OF PERSONS**

- (a) The maximum number of persons permitted on the roof terrace and deck at any one time is 50 persons.
- (b) The occupier is responsible for ensuring the number of persons on the terrace does not exceed that specified above.
- (c) A sign in letters not less than 25mm in height must be fixed at the main entry point to the terrace alongside the occupiers name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details of the sign are to be submitted to Council's Health and Building Unit for approval prior to issue of a Construction Certificate.

**(9) AWNING MAINTENANCE**

The awning must be inspected and maintained to ensure the structural integrity, aesthetic and functional quality of the awning.

**(10) NOISE - GENERAL**

- (a) The emission of noise associated with the use of the roof terrace and deck, 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 CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING**

#### **(11) 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.

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

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

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

**(13) WORKS REQUIRING 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 is to be obtained from Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

**(14) WASTE AND RECYCLING MANAGEMENT - MINOR**

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

**SCHEDULE 1C****DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION****(15) 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.

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

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

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

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

**(17) COVERING OF LOADS**

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

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

The following requirements apply:

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

**(19) 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.

**(20) USE OF MOBILE CRANES**

The following requirements apply:

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

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

## **SCHEDULE 2**

### **PRESCRIBED CONDITIONS**

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

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

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

Carried unanimously.

### **Speakers**

Ms Jeanette Brokman addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.11.

## **ITEM 9.12**

### **DEVELOPMENT APPLICATION: 10 SHELLEY STREET SYDNEY (D/2015/1898)**

It is resolved that:

- (A) the variations sought to Clause 4.3 'Height of Buildings' and Clause 4.4 'Floor Space Ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance; and

- (B) consent be granted to Development Application No. D/2015/1898, subject to the conditions as detailed in the subject report.

Note – the recommendation of the Planning and Development Committee was not adopted. The following alternative recommendation was adopted (as contained in the memo dated 21 July 2016 from the Director City Planning, Development and Transport, and circulated prior to the meeting).

It is resolved that:

- (A) the variations sought to Clause 4.3 ‘Height of Buildings’ and Clause 4.4 ‘Floor Space Ratio’ in accordance with Clause 4.6 ‘Exceptions to development standards’ of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No. D/2015/1898, subject to the conditions as detailed in the report considered by the Planning and Development Committee on 19 July 2016, with Condition (1) (Approved Development) amended as follows (with additions shown in ***bold italics*** and deletions shown in ~~text~~):

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2015/1898 dated 23 December 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA-A114 Issue P6	WMK Architecture	16 December 2015
DA-A115 Issue P6	WMK Architecture	16 December 2015
DA-A116 Issue P9	WMK Architecture	17 December 2015
DA-A117 Issue P1	WMK Architecture	15 December 2015
DA-A215 Issue P4	WMK Architecture	16 December 2015
DA-A500 Issue P8	WMK Architecture	16 December 2015
DA-A501 Issue P8	WMK Architecture	16 December 2015
DA-A502 Issue P8	WMK Architecture	16 December 2015

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA-A503 Issue P8	WMK Architecture	16 December 2015
DA-A600 Issue P8	WMK Architecture	16 December 2015
<b><i>DA-A607 Issue P7</i></b>	<b><i>WMK Architecture</i></b>	<b><i>16 December 2015</i></b>

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.

Carried unanimously.

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

It is resolved that:

- (A) the variations sought to Clause 4.3 'Height of Buildings' and Clause 4.4 'Floor Space Ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No. D/2015/1898, 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/2015/1898 dated 23 December 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA-A114 Issue P6	WMK Architecture	16 December 2015
DA-A115 Issue P6	WMK Architecture	16 December 2015

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA-A116 Issue P9	WMK Architecture	17 December 2015
DA-A117 Issue P1	WMK Architecture	15 December 2015
DA-A215 Issue P4	WMK Architecture	16 December 2015
DA-A500 Issue P8	WMK Architecture	16 December 2015
DA-A501 Issue P8	WMK Architecture	16 December 2015
DA-A502 Issue P8	WMK Architecture	16 December 2015
DA-A503 Issue P8	WMK Architecture	16 December 2015
DA-A600 Issue P8	WMK Architecture	16 December 2015
DA-A607 Issue P7	WMK Architecture	16 December 2015

and as amended by the conditions of this consent.

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

**(2) BUILDING HEIGHT**

- (a) The height of the rooftop addition must not exceed RL 71.250 (AHD) to the top of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

**(3) FLOOR SPACE RATIO - CENTRAL SYDNEY**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 9.16:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 30,900.9sqm.

- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

**(4) BUILDING IDENTIFICATION SIGNS FOR MAJOR DEVELOPMENTS - TIME LIMITED CONSENT**

The sign(s) and any associated structure(s) must be removed and the building/site reinstated, within a period of 3 years from the date of consent or on the termination of the subject lease of the property, whichever occurs first. If the sign is to be retained after this period, a new development application must be lodged with Council before the expiration of the consent.

**(5) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council by the Certifying Authority (CA), together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website ([www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.



- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

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

**(6) USE OF ROOFTOP**

The rooftop break-out area is to be used by staff of the building only, and is not to be open for use by the general public at any time.

**(7) PLAN OF MANAGEMENT**

The use of the rooftop must always be operated / managed in accordance with the Plan of Management (PoM) for Rooftop Terrace Use', prepared by Urbis signed and dated 29 February 2016 that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

**(8) 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.

**(9) NOISE - ENTERTAINMENT VENUES**

- (a) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an  $L_{A10, 15 \text{ minute}}$  enters any residential use through an internal to internal transmission path is not to exceed the existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the  $L_{A10, 15 \text{ minute}}$  noise level is below the threshold of hearing,  $T_f$  at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of  $T_f$  corresponding to that Octave Band Centre Frequency shall be used instead.
- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

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

**(10) NOISE LIMITERS**

Use of the all amplification equipment must comply with the following:

- (a) At a minimum, all amplification equipment used at the event must be controlled by a Root Mean Square (RMS) noise limiter, set by a suitably qualified acoustic consultant\* in accordance with the manufactures specification to ensure that resultant amplified sound complies with the Council's licensed premises noise criteria. The equipment must be tamper proof and only operable by the acoustic consultant.
- (b) The noise limiter must be factory or laboratory calibrated by an accredited instrumentation calibration service provider at the time of installation. The limiter must be checked by an acoustic consultant with a piston phone calibrator at the time of installation and on three subsequent occasions during the first 60 days of monitoring. The checks must correlate with the close of business as per the requirements of Part (b)(ii), Additional Noise Conditions for Licensed Premises and not be undertaken before any external noise compliance checks. The proprietor is not to be made aware on what date the calibration checks are to be conducted and will provide the consultant access to the limiter.
- (c) A piston phone check of the noise limiter shall be completed by the consultant every twelve months, the result reported to council and a copy kept on the premises available at all times.
- (d) Field calibration check results (times and levels), serial numbers and laboratory calibration parameters of all other instrumentation and calibrators used in the process of setting and calibrating the noise limiter shall be reported.
- (e)  $L_{Aeq\ 1\ minute}$  1/1 octave band (31.5Hz to 8kHz centre frequencies inclusive) measurement results internal and external of hand held sound level meters used to assist in setting the noise limiter shall be reported to the satisfaction of council.
- (f) Additionally, a white noise signal must be played through the noise amplification system in order to set the maximum permissible broadband level of the noise limiter. The results are to be reported.
- (g) Finally, where necessary and where complex signal processing equipment is used to limit noise, the maximum A-Weighted LAF Sound Pressure Levels which are not to be exceeded in any 1/1 octave band 31.5Hz – 16kHz inclusive, within each of the rooms with noise amplification equipment are to be specified such that the noise control approval conditions cannot be exceeded must be reported.
- (h) All noise amplification equipment must be controlled by the noise limitation device as detailed in (a) above.
- (i) Access to noise limiter settings must be restricted to the Licensee or manager of the premises. The limiter settings/calibration levels must be available to Council officers upon request.

- (j) The Acoustic consultant must submit Certificate of Compliance to the Council to certify that the limiters are installed and calibrated to satisfy of Council's noise criteria for the licensed venues.

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.

**(11) 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 AECOM, 12/4/2016 Ref. 60342644-MONV-03\_C, dated 12 April 2016, Council Ref 2016/224322 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 AECOM, 12/4/2016 Ref. 60342644-MONV-03\_C, dated 12 April 2016, Council Ref 2016/224322.
- (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 Certifying Authority that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

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

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

**(13) CONTROL OF LIGHT INTO THE ENVIRONMENT**

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

**(14) ERECTION OF SIGN**

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

**(15) SIGN ILLUMINATION**

(a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with AS4282-1997 control of obtrusive effects of outdoor lighting.

(b) The sign(s) must not flash.

**SCHEDULE 1B****Prior to Construction Certification/Commencement of Work/Health and Building****(16) 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.

**(17) 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.

**(18) 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).

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

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

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

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

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

**(21) WORKS REQUIRING 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* is to be obtained from Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

**(22) MICROBIAL CONTROL IN WATER SYSTEMS**

- (a) Prior to the issue of a Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.
- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following:
  - (i) Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.

- (ii) Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

**(23) VENTILATION MINOR WORKS**

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

**(24) CONSTRUCTION AND FITOUT OF FOOD PREMISES**

The construction, fitout and finishes of the servery 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.

A dedicated hand wash basin supplied with hot and cold running water mixed through a single spout must be provided in the servery. Single use disposable hand towel and soap must be provided adjacent the hand basin.

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).

**SCHEDULE 1C**

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

**(25) 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.

**(26) HOURS OF WORK AND NOISE – CBD**

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

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

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

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

#### **(27) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

#### **(28) 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.

#### **(29) 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.

#### **(30) 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.

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

The following requirements apply:

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



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

## **SCHEDULE 2**

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

### **Speakers**

Ms Audrey Chee addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.12.

## **ITEM 9.13**

**DEVELOPMENT APPLICATION: 345-355 AND 357-363 GEORGE STREET AND 22-26 YORK STREET SYDNEY (D/2015/1191)**

It is resolved that:

- (A) the variation sought to Clause 4.4 'Floor Space Ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No. D/2015/1191, 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/2015/1191 dated 20 August 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
A-200 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-201 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-202 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-203 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-204 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-205 Revision 04	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-206 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-207 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-300 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-301 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-302 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-303 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-304 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-305 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-306 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-307 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016
A-400 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 2016

Drawing Number	Architect	Date
A-401 Revision 03	Fender Katsalidis Mirams (Sydney) Architects	3 June 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 - SIGNAGE**

The following signage zones are not approved as part of the signage strategy:

- (a) The 2 x top hamper signs at ground floor above the main entries of 345-355 and 357-363 George Street;
- (b) 1 x sign to the corner elevation of 345-355 George Street covering the entire glazed window at level 1; and
- (c) 1 x sign to Barrack Street covering the entire glazed window at level 1.

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) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

A Construction Traffic Management Plan (CTMP) must be prepared in accordance with the City's CTMP standard requirements and submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued.

**(4) USE - SEPARATE DA/CDC REQUIRED**

A separate development application/complying development certificate for the fitout and use of each individual retail tenancy must be submitted to and approved by Council (or the relevant Certifying Authority in the case of a complying development certificate) prior to that fitout or use commencing.

**(5) SIGNS – SEPARATED DA REQUIRED**

Approval relates to signage zones only. No consent is granted for sign detail/content or materiality. A separate development application is required for any business identification signage, and shall include signage content and materiality. The signs shall comply with the signage strategy approved under the subject consent, D/2015/1191.

**(6) RETAIL FIT-OUT STRATEGY**

A site specific retail tenancy fit-out strategy shall be developed for all retail tenancies within the podium level of 345-355 and 357-363 George Street. The retail fit-out strategy shall be submitted to, and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

The strategy must include, but is not limited to, the following:

- (a) The signage zones approved as part of the signage strategy of D/2015/1191;
- (b) Specific recommendations relating to the retention of visibility into the building, appropriate finishes, visual clutter, partitioning, additional requirements for mechanical servicing, and internal signage (i.e. installation of window film, setback of window displays from the glazing line and the like);
- (c) Shopfront specific lighting strategies; and
- (d) Integration of any security systems.

**(7) FLOOR SPACE RATIO - CENTRAL SYDNEY**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 15.98:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 53,990sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

**(8) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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

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

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

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

## **SCHEDULE 1B**

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

#### **(9) ASBESTOS REMOVAL WORKS**

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

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

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and

- (iii) site activities and time frames.

**(10) 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.

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

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

**(12) PROPOSED UPGRADE WORKS TO LOBBIES AT 345-355 AND 357-363 GEORGE STREET AND 22-26 YORK STREET, SYDNEY**

The interlinked buildings at 345-355 George Street, 357-363 George Street, and 22-26 York Street, Sydney must comply with the Building Code of Australia (BCA) Part A4 United buildings including (but not limited to):

- (a) Part C2 Compartmentation and separation – Fire separation of Level 3 at 345-355 George Street;
- (b) Part G3 Atrium construction;
- (c) Part D1 Provision for escape (aggregated access and egress);
- (d) Part E1 Fire fighting equipment; and
- (e) Part E2 Smoke hazard management.

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.

**(13) 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).

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

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

**(15) 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.

**(16) 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.

#### **(17) GENERAL HERITAGE**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building at 22 York Street 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;
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated; and
- (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

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

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

The form of the recording is to be as follows:

- (a) The Development Application number must be noted on the submitted information;

- (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) 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;
- (d) The report is to be submitted on a USB, 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; and
- (e) The electronic 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, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.

#### **(19) 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.

#### **(20) 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.

#### **(21) 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).

#### **(22) 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).

### **(23) WORKS REQUIRING 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 is to be obtained from Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

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

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

**UPON COMPLETION OF THE DEVELOPMENT**

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

**(25) WASTE AND RECYCLING MANAGEMENT - MINOR**

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

**(26) 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.

**(27) 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.

**(28) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the George, Barrack and York 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.

### **(29) PUBLIC DOMAIN DAMAGE DEPOSIT**

A Public Domain Damage Deposit calculated on the basis of 165 lineal metres of granite 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.

### **(30) 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.

### **(31) 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.

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

- (a) Proposed building floor 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.

### **(33) 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".

**(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.

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) 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).

### **(36) 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.

## **SCHEDULE 1C**

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

#### **(37) 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.

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

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

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

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

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

**(39) NON-ROAD FRONTAGE SHOP NUMBERING - EASE OF IDENTIFICATION**

Prior to an Occupation Certificate being issued, shop numbers must be clearly visible at the front of the premises, for ease of identification. Numbering must be maintained so that identification can be made at all times.

**(40) 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.

**(41) 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.

**(42) 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.

**(43) 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.

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

The Terms of Approval for Integrated Development as advised by the NSW Heritage Council, are as follows:

**(44) SECTION 60 APPLICATION**

An application under Section 60 of the Heritage Act 1977 must be submitted to and approved by the Delegate of the NSW Heritage Council prior to work commencing. The Section 60 application must be consistent with the development consent granted by the City of Sydney.

**(45) ADDITIONAL INFORMATION**

The following additional information must be provided for assessment and approval as part of the Section 60 application to the NSW Heritage Council:

- (a) Accurate elevations showing the arrangement of windows in the rear elevation of 22 York Street and the window frames proposed for removal; and
- (b) Details showing method of connecting the new glazed retail area and glazed roof to the rear wall of 22 York Street. They must not abut window openings or areas of glazing in the rear wall.

**(46) HERITAGE IMPACT STATEMENT**

A Heritage Impact Statement must be provided as part of the Section 60 application to identify the scope of works to 22 York Street, and address the impacts of these proposed works.

**(47) SITE PROTECTION AND WORKS**

Significant building fabric and elements are to be protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

The conditions below have been imposed by Transport for New South Wales:

**(48) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN**

- (a) A separate Construction Pedestrian and Traffic Management Plan (CPTMP) is to be prepared in consultation with the CBD Coordination Office within TfNSW, and Roads and Maritime Services. A copy of the CPTMP must be submitted to and approved by the Coordinator General, CBD Coordination Office prior to the commencement of any work. The CPTMP needs to specify (but is not limited to) the following:

- (i) Location of the proposed work zone;
- (ii) Location of the proposed crane location;
- (iii) Haulage routes;
- (iv) Construction vehicle access arrangements;
- (v) Proposed construction hours;
- (vi) Estimated number of construction vehicle movements;
- (vii) Construction program;
- (viii) Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- (ix) Cumulative construction impacts of projects including Sydney Light Rail Project. Should any impacts be identified, include the duration of the impacts; and
- (x) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

#### **(49) DEVELOPMENT NEAR SYDNEY LIGHT RAIL**

The development is required to be designed and constructed in accordance with the 'Development Near Rail Corridors and Busy Roads – Interim Guideline' (2008) prepared by the Department of Planning and Environment. Details of the development's compliance with the Guideline is to be submitted to the CBD Coordination Office within TfNSW prior to the commencement of work.

Carried unanimously.

#### **ITEM 9.14**

#### **DEVELOPMENT APPLICATION: 87-93 ABERCROMBIE STREET CHIPPENDALE (D/2016/229)**

It is resolved that:

- (A) Council support the variations sought to Clause 4.4 'Floor space ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (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/2016/229, subject to the following:

**PART A – DEFERRED COMMENCEMENT CONDITIONS****(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)****(1) THIS CONSENT SHALL NOT OPERATE UNTIL SUCH TIME AS:**

- (a) The works already carried out without consent have been certified as being compliant with the Building Code of Australia in accordance with Section 149A of the Environmental Planning and Assessment Act, 1979; and
- (b) The design of the rear roof extension is modified as follows:
  - (i) set down a minimum of 200mm below the ridge line as measured along the roof slope from the ridge;
  - (ii) set back a minimum of 200mm from the rear wall as measured along the roof slope from the outer face of the wall;
  - (iii) must have a minimum 5 degree pitch, and slope down from the ridge towards the rear elevation of the property; and
  - (iv) the external walls of the extension must be clad with weatherboards, corrugated steel or a similar profiled material.

Details of certification of the unauthorised works and details of all design amendments are to be submitted to and approved by Council's Area Planning Manager.

- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council by 19 January 2017;
- (D) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

**PART B – CONDITIONS OF CONSENT****(ONCE THE CONSENT IS IN OPERATION)****SCHEDULE 1A****Approved Development/Design Modifications/Covenants and Contributions/Use and Operation**

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

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2016/229 dated 1 March 2016 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
2016 – 03 – DA/01 (Issue B)	Bianchino & Associates Pty Ltd	April 2016
2016 – 03 – DA/02 (Issue B)	Bianchino & Associates Pty Ltd	April 2016
2016 – 03 – DA/03 (Issue B)	Bianchino & Associates Pty Ltd	April 2016
2016 – 03 – DA/04 (Issue B)	Bianchino & Associates Pty Ltd	April 2016
2016 – 03 – DA/05 (Issue B)	Bianchino & Associates Pty Ltd	April 2016
2016 – 03 – DA/06 (Issue B)	Bianchino & Associates Pty Ltd	April 2016
4011 – DA/07 (Issue B)	Bianchino & Associates Pty Ltd	April 2016
4011 – DA/08 (Issue B)	Bianchino & Associates Pty Ltd	April 2016
2016 – 03 – DA/09 (Issue B)	Bianchino & Associates Pty Ltd	April 2016
2016 – 03 – DA/10 (Issue B)	Bianchino & Associates Pty Ltd	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) MATERIALS AND SAMPLES BOARD**

A materials sample board detailing all proposed external finishes and colour schemes must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

**(3) FLOOR SPACE RATIO**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 2.36:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the approved development is 976 square metres.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

**(4) USE OF MANGER'S OFFICE AND ATTIC STORAGE**

The manager's office/storage space located within the attic must only be used for those purposes and must not be used as an additional self-contained residential unit.

**(5) 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. All existing air conditioning units placed on the heritage facade that have not been granted prior consent are to be removed.

**(6) NOISE - GENERAL**

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
  - (i) The  $L_{Aeq, 15 \text{ minute}}$  noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
  - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment  $L_{A90, 15 \text{ minute}}$  / rating  $L_{A90, 15 \text{ minute}}$  process to be in accordance with the requirements for noise monitoring listed in the NSW EPA Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
  - (iii) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable.
- (b) An  $L_{Aeq, 15 \text{ minute}}$  noise level emitted from the use must not exceed the  $L_{A90, 15 \text{ minute}}$  noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that:

- (i) Where the  $L_{A90, 15 \text{ minute}}$  noise level is below the threshold of hearing,  $T_f$  at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of  $T_f$  corresponding to that Octave Band Centre Frequency shall be used instead.
- (ii) The  $L_{Aeq, 15 \text{ minute}}$  noise level and the  $L_{A90, 15 \text{ minute}}$  noise level shall both be measured with all external doors and windows of the affected residence closed.
- (iii) The relevant background noise level ( $L_{A90, 15 \text{ minute}}$ ) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW EPA Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
- (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
- (v) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

#### **(7) 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 Construction Certification/Commencement of Work/Health and Building**

##### **(8) 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.

##### **(9) 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.



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

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

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

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

**(12) EXTERNAL WALLS AND CLADDING**

The external walls of the building including attachments must comply with the relevant requirements of the Building Code of Australia (BCA). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products proposed for use or used in the construction of external walls including finishes and claddings such as aluminium composite panels comply with the relevant requirements of the BCA; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the BCA.

**(13) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM**

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

**(14) 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).

**(15) BUILDING WORKS TO COMPLY WITH BCA – HERITAGE BUILDINGS OR BUILDINGS WITHIN CONSERVATION AREA**

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

**(16) GENERAL HERITAGE**

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

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

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

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

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

**(18) WORKS REQUIRING 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 is to be obtained from Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

**(19) WASTE AND RECYCLING MANAGEMENT - MINOR**

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

**SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(20) 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.

**(21) 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.

**(22) 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.

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

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

**SCHEDULE 2**

**PRESCRIBED CONDITIONS**

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

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

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

Carried unanimously.

**Speakers**

Ms Jeanette Brokman addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.14.

**ITEM 9.15**

**DEVELOPMENT APPLICATION: 61-63 MYRTLE STREET CHIPPENDALE (D/2015/1717)**

It is resolved that:

- (A) Council support the variations sought to Clause 4.3 'Height of buildings' and Clause 4.4 'Floor space ratio in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and

- (B) pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979, consent be granted to Development Application No. D/2015/1717, 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/2015/1717 dated 27 November 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
0001 E	Tzannes Studio	1 June 2016
0002 E	Tzannes Studio	1 June 2016
1000 E	Tzannes Studio	1 June 2016
1001 E	Tzannes Studio	1 June 2016
1002 E	Tzannes Studio	1 June 2016
1003 E	Tzannes Studio	1 June 2016
2000 E	Tzannes Studio	1 June 2016
2001 E	Tzannes Studio	1 June 2016
2002 E	Tzannes Studio	1 June 2016
2003 E	Tzannes Studio	1 June 2016
3000 E	Tzannes Studio	1 June 2016
3001 E	Tzannes Studio	1 June 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) DRAWING MODIFICATIONS**

The drawings of the development must be modified as follows:

- (a) The words "RETAIL/CAFE" must be deleted from drawing no. 3000 revision E, prepared by Tzannes Studio and dated 1 June 2016. No use of the area for retail or cafe purposes is approved by this consent.
- (b) The new bollard to the footpath in the Myrtle Street road reserve must be deleted.

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) CHANGE OF USE - SEPARATE DA REQUIRED**

No change of use is approved by this development consent. A separate development application for any change of use and associated works of the premises must be submitted to and approved by Council prior to that fitout or use commencing.

**(4) MATERIALS AND SAMPLES BOARD**

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

**(5) EXTERNAL COLOUR SCHEME**

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

**(6) NOISE - GENERAL**

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
  - (i) The  $L_{Aeq, 15 \text{ minute}}$  noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
  - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment  $L_{A90, 15 \text{ minute}}$  / rating  $L_{A90, 15 \text{ minute}}$  process to be in accordance with the requirements for noise monitoring listed in the NSW EPA Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
  - (iii) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable.

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

## **(7) 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.

## **(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) 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**

**(10) 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.

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

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

**(12) 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.

**(13) 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.

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

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the whole building must comply with the Building Code of Australia (BCA) including:
  - (i) Fire resistance and stability - Part C1;
  - (ii) Compartmentation and separation - Part C2;
  - (iii) Protection of openings - Part C3;
  - (iv) Provision for escape (access and egress) - Part D1;
  - (v) Construction of exits - Part D2;
  - (vi) Fire fighting equipment - Part E1;
  - (vii) Smoke hazard management - Part E2;
  - (viii) Emergency lighting, exit signs and warning systems - Part E4;

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.

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

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

**(16) 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).

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

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

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

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

**(18) FLOOD PROTECTION MEASURES**

- (a) Flood compatible materials (as per section 6 of the City Of Sydney Interim Floodplain Management Policy) for construction below 11.65m AHD must be used.
- (b) Electrical and other services that may be subject to damage by flooding are to be located at least above RL 11.65 AHD (above 1% AEP Flood Level).
- (c) Prior to a Construction Certificate being issued, a maintenance plan for the maintenance of the ground floor flood compatible materials is to be submitted and approved by the Principal Certifying Authority.
- (d) The finished floor level at the entry to the lift must be set at RL 11.39 AHD.
- (e) The Principal Certifying Authority must ensure compliance with the above condition.

**(19) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM**

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

**(20) 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).

## **(21) 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.

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

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

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

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

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

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

**(25) INTERNAL LIGHTING SYSTEM**

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

**(26) PUBLIC TREE PROTECTION**

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

- (a) Tree trunk protection must be undertaken prior to the issuing of the Construction Certificate. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
  - (ii) Tree trunk/s, must be protected by wrapped hessian or similar material to limit damage;
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion; and

- (iv) Tree trunk protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) 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 trees.
- (c) Any damage sustained to 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 Management Officer on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged tree.

**(27) PUBLIC TREE PRUNING**

- (a) The consent from Council must be obtained prior to the undertaking of any 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'.

**(28) WASTE AND RECYCLING COLLECTION CONTRACT**

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

**(29) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

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

**UPON COMPLETION OF THE DEVELOPMENT**

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

**(30) WASTE/RECYCLING COLLECTION**

- (a) The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

**SCHEDULE 1C****During Construction/Prior to Subdivision/Prior to Occupation/Completion****(31) 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.

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

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

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

**(33) EROSION AND SEDIMENT CONTROL**

During the construction period:

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

**(34) 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.

**(35) 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.

**(36) 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.

**(37) 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.

**(38) 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.

**(39) LAND OR STRATA SUBDIVISION**

Any proposal to subdivide the site, including any stratum subdivision of the building, will require a separate application to Council to obtain development consent for the proposal and subsequent issue of the Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979.

Any proposal for strata subdivision of the site will require development consent and therefore the lodgment of a separate development application or complying development application, and subsequent approval from Council, or an accredited certifier, of the Strata Plan and issue of a Strata Certificate under the Strata Schemes (Freehold Development) Act 1973.

**(40) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(41) 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.

**(42) SYDNEY WATER APPROVAL**

The approved plans must be submitted to Sydney Water's Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Tap in™ service provides 24/7 access to a range of services, including:

- (a) building plan approvals;
- (b) connection and disconnection approvals;



- (c) diagrams;
- (d) trade waste approvals;
- (e) pressure information;
- (f) water meter installations;
- (g) pressure boosting and pump approvals; and
- (h) changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

## **SCHEDULE 2**

### **PRESCRIBED CONDITIONS**

**The prescribed conditions in accordance with Clause 98 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 PROPERTY MATTER – OPTION FOR AFFORDABLE HOUSING ON RESIDUE LANDS ON THE FUTURE GREEN SQUARE TO ASHMORE CONNECTOR (S118923.006)**

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

It is resolved that Council:

- (A) approve the draft master plan for affordable housing, on the Green Square to Ashmore Connector (Botany Road to O’Riordan Street) residue lands, for the purpose of market testing;
- (B) approve the commencement of market testing with Community Housing Providers as contemplated above, and report back to Council later in 2016; and
- (C) note the estimated subsidy for affordable housing, as contained in confidential Attachment E to the subject report.

Carried unanimously.

**ITEM 11 PROPERTY MATTER – PROPOSED CONDITIONAL SALE LAND AT 11 GIBBONS STREET REDFERN FOR AFFORDABLE AND SOCIAL HOUSING (S094159)**

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

It is resolved that:

- (A) Council note that eligibility to apply for the NSW Government’s Social and Affordable Housing Fund Phase 1 is for non-government organisations and does not apply to City West Housing;
- (B) Council approve the sale and transfer of 11 Gibbons Street, Redfern in delivery of long term affordable and social rental housing to FutureLiving Community Housing Limited having as its sole member Mission Australia subject to satisfaction of the following conditions:
  - (i) the NSW Government gives final approval and financial support to the proposed Affordable and Social Housing on the site under the Social and Affordable Housing Fund;
  - (ii) approximately 150 affordable and social housing dwellings will be built on the site;
  - (iii) a covenant is placed on the land title to restrict uses to Affordable and Social Housing; and
  - (iv) the proposed sale price as contained in confidential Attachment B to the subject report;
- (C) Council note the proposed subsidy for affordable and social housing as part of this sale, as contained in confidential Attachment B to the subject report; and

- (D) authority be delegated to the Chief Executive Officer to undertake any further negotiations and finalise the sale in accordance with the conditions contained within this report.

Carried unanimously.

**ITEM 12 PROPERTY TRANSACTION (S089811.005)**

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

It is resolved that Council approve the recommendations contained in confidential Attachment A to the memorandum from the Chief Operating Officer dated 25 July 2016 and circulated to Councillors at the meeting.

Carried unanimously.

**Adjournment**

At this stage of the meeting, at 6.34pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately 15 minutes.

Carried.

At the resumption of the meeting of Council, at 6.50pm, those present were –

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

## **ITEM 13 QUESTIONS ON NOTICE**

### **CITY OF SYDNEY BUSINESS VOTING REGISTER (S103147)**

1. By Councillor Vithoukas

#### **Question**

1. Through which means did the City contact those identified as having submitted information which failed the eligibility criteria prior to the close of rolls? Were they contacted in writing or via another channel?
2. The nomination cut-off date for the non-residential register is set by legislation. Why did the City choose to broadly advertise a registration cut-off date of 14 July when the date set by legislation was 4 July?
3. Will an external auditor be engaged to analyse the business voting process for the 2016 City of Sydney elections? When will an external auditor be appointed to independently analyse the success or failure of the registration process?
4. Were all calls to the Business Voting call centre recorded? Will they be analysed as part of an external audit process into the business voting registration process to determine whether the correct information was provided to people who phoned seeking assistance and guidance?

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

The implementation of the Non-residential Register and Rolls is the responsibility of the CEO. The CEO has previously provided 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.

### **PUBLIC TOILETS (S103142)**

2. By Councillor Scott

#### **Question**

I refer to the City of Sydney Public Toilet Strategy 2014.

1. Of the 17 proposed public toilets and toilet facilities outlined in the Strategy, please detail the progress on each, and funds spent.
2. Broken down by year, what are past and future Budget allocations for the City of Sydney Public Toilet Strategy 2014?
3. How many businesses have signed up to the "City Cares" initiative?

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

Significant progress has been made implementing the Public Toilet Strategy including:

- Wulaba Park, Green Square – new automatic public toilet installed in 2016. Funded by development VPA.
- Town Hall House – accessible public toilets on L1 and L2 installed 2015.
- St James Park – public toilets and change rooms upgraded in 2015. Paddington Town Hall – unisex accessible public toilet installed in 2015.
- Public toilet signage upgraded at 28 sites – completed 2015.
- Automatic Public Toilet feasibility study for sites at Kings Cross, Paddington, Newtown and East Sydney – draft complete and Scoping report due to Council late 2016.
- Removal of the fifty cent fee to use JCDecaux automatic public toilets throughout the City in 2015 – 12 sites.
- Standardised public toilet design for parks and open spaces completed. First location to roll out will be Observatory Hill Park. Scoping report due late 2016.
- Sydney Park Cycle Centre precinct. Proposed new public toilets about to go out to tender with construction to commence 2017.
- Erskineville Oval – new unisex accessible public toilet currently out to tender. Construction to commence late 2016.
- Alexandria Park - new unisex accessible public toilet currently out to tender. Construction to commence late 2016.
- Matron Ruby Park, Green Square – new public toilet delivered with park in 2017.
- Hyde Park Museum Station Upgrade – new unisex accessible public toilet to be installed in 2017.
- Retractable Urinal Corner of Liverpool and Oxford Streets – development application being prepared. Installation 2017 subject to development consent.
- Gunyama Park. Green Square - new public toilet delivered with park in 2018.
- Drying Green Park, Green Square - new public toilet delivered with park in 2018.
- Light Rail construction – relocation of automatic public toilet from Alfred Street, Circular Quay to Lawson Street, Redfern. Proposed 2017/18.

The City has also been advocating for additional public toilets in new development and projects not delivered by the City. This has led to public toilets being provided at Barangaroo Headland Reserve and the Harold Park Tram Sheds (to be completed late 2016).

Ongoing planning is being undertaken to deliver additional public toilets at the remaining sites recommended in the Public Toilet Strategy.

Public toilet strategy related projects are funded from a variety of capital works, capital renewal and operational budgets. Some facilities are also delivered by new development. Capital works budget allocations for the Public Toilet Strategy are:

- 2014/15 - \$500,000
- 2015/16 - \$500,000
- 2016/17 - \$500,000

The City Cares community toilet scheme will be trialled in the suburb of Newtown. Research on the operation of similar schemes overseas has been conducted and criteria for participation have been finalised. Staff are currently developing an implementation plan and businesses will be invited to nominate their facilities for inclusion in the scheme in 2017.

### **RECONCILIATION ACTION PLAN (S103142)**

3. By Councillor Scott

#### **Question**

I refer to the City of Sydney Reconciliation Action Plan.

1. When will the City report on our Reconciliation Action Plan? If one is prepared, can it be shared with Councillors?
2. Please provide numbers of Aboriginal and Torres Strait Islander people employed within the City, by year, from 2004 to current.
3. Please provide numbers of Aboriginal and Torres Strait Islander suppliers with contracts with the City, by year, from 2004 to current.

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

The Reconciliation Action Plan (RAP) includes a section on reporting that outlines how the City will report against RAP actions and goals. Our reporting actions include six-monthly highlights in the Operational Plan Report, the Reconciliation Australia RAP Impact Measurement Report (October) and the Barometer Survey which will take place later this year. The RAP will be reviewed in 2017 to inform the development of our next RAP and achievements reported as part of this review process.

The RAP Impact Measurement Report reporting period is from 1 October – 30 September. Preparation for the 2016 report is underway. This is the first time the City is able to report 12 months of data. The RAP Impact Measurement Report includes measures such as the number of relationships between RAP organisations and community organisations, number of employees working in RAP organisations and dollars spent with Indigenous suppliers.

Progress on RAP actions was reported in the Operational Plan Report adopted at the February 2016 meeting.

Workforce data is provided for the period from 2012:

<b>City of Sydney non-casual employees - Aboriginal and Torres Strait Islander staff</b>	
<b>Year</b>	<b>Number</b>
2012	33
2013	30
2014	31
2015	28
2016*	27

\*The 2016 figure is a draft from as yet unpublished workforce profile data at 30 June 2016.

In addition, Aboriginal and Torres Strait Islander people are represented in the City's entry level programs. These include four Aboriginal school based trainees, one Aboriginal post-secondary trainee and an ArtsReady trainee. These are not included in the above the staff numbers.

Data on Aboriginal and Torres Strait Islander suppliers contracted by the City of provided for the period from 2012:

<b>Year</b>	<b>No. of Suppliers</b>	<b>No. of Contracts (Purchase Orders)</b>
2012	12	29
2013	18	46
2014	28	58
2015	37	69
2016 (6 months to date)	25	47

#### **RAINBOW FAMILIES KIT (S103142)**

4. By Councillor Scott

##### **Question**

I refer to the motion regarding Rainbow Families.

1. Which GLBTI community organisations did the CEO meet with to discuss the rainbow families kit?
2. Has a kit been developed?
3. If so, where are the materials promoted and distributed?
4. Broken down by year, what are past and future Budget allocations for the preparation and distribution of the rainbow families kit?

### Answer by the Lord Mayor

The *OUTspoken Families: a resource kit for Rainbow Families*, is a community based project produced with the support of the Rainbow Families Council, a Victorian community organisation which supports and promotes equality for families with lesbian, gay, bisexual, transgender or intersex parents.

On 23 February 2015, Council resolved (in part) to request the Chief Executive Officer to seek advice from GLBTI community organisations whether:

- (i) the *OUTspoken Families: a resource kit for Rainbow Families* and other resource materials produced by the Rainbow Families Council are relevant to NSW; and
- (ii) the City of Sydney should promote and distribute relevant resource materials through the City's child care centres, after school programs, libraries and community centres.

A CEO update was provided 1 April 2016.

The City consulted the following LGBTI organisations about the *OUTspoken Families* resource kit:

- Inner City Legal Centre
- PFLAG (Parents, Family and Friends of Lesbians and Gays)
- Gender Centre
- Rainbow Babies and Kids
- Rainbow Kids Camping
- Sydney Open House (Lesbian Discussion Group)
- CampOut (for LGBTI young people)
- Black Rainbow ( for LGBTI Aboriginal and Torres Strait Islander People)
- Headspace
- Beyond Blue
- Gay Dads NSW
- Co-Parenting NSW
- LGBTI Health Alliance (National Body)
- OII (Organisation Intersex International Australia)
- Safe Schools NSW
- ACON

There was broad agreement that an existing Victorian resource, the *OUTspoken Families* kit, which supports and promotes equality for families with lesbian, gay, bisexual, transgender or intersex parents, is relevant for NSW.

This resource, directed towards parents, was prepared by Jacqui Tomlins a researcher, writer and advocate, former teacher and member of the Victorian Government LGBTI Taskforce, Health and Human Services Working Group. It is the result of 12 months extensive research talking to parents raising rainbow families and brings together their ideas, experiences, suggestions and collective wisdom.

The City also sought advice from these community organisations on the best way to promote and distribute the materials. As a result of feedback, and with the kit's author's agreement, information about the resource and a link to it has been provided on the City's LGBTIQ "community contacts" webpage, along with links to other relevant organisations.



The City has been promoting, and will continue to promote, the kit through its library network, child care centres, afternoon programs and its community centres.

## **GENDER EQUITY AND PAY EQUITY (S103142)**

5. By Councillor Scott

### **Question**

1. Broken down by gender and year, please provide numbers of City of Sydney employees since 2004.
2. Broken down by gender and year, please provide the average wages of City of Sydney employees since 2004.
3. What measures has the City introduced to facilitate greater recruitment and retention of women personnel?
4. What measures has the City introduced to facilitate greater appointment of women personnel to more senior positions?

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

Data for City of Sydney non-casual staff by gender is provided below for the period 2012 to current.

<b>Year</b>	<b>Female Staff Headcount</b>	<b>Female %</b>	<b>Male Staff Headcount</b>	<b>Male %</b>
2012	704	40%	1076	60%
2013	718	39%	1112	61%
2014	733	39%	1127	61%
2015	758	40%	1143	60%
2016*	762	40%	1158	60%

\*The 2016 figure is a draft from as yet unpublished workforce profile data at 30 June 2016.

The City regularly monitors women's participation by seniority. 30% of senior management roles (CEO and Directors) are women. As at 30 June 2015, of the City's 217 senior employees (band 8 and above) 90 were women. This represents 41.5% of senior positions held by women.

The City is currently preparing a gender pay equity report which will be published later in 2016. This will analyse pay and gender equity using the national Workplace Gender Equality Agency's methodology.

The City has implemented a range of initiatives designed to make the City an attractive workplace for women. These include leadership and development programs, mentoring and coaching, flexible work arrangements, generous parental leave provisions, support for breastfeeding women, and access to child care. In addition the City supports managers to create diverse and inclusive teams.

### **LIVE MUSIC MATTERS TASKFORCE REPORT (S103142)**

6. By Councillor Scott

#### **Question**

I refer to the Live Music Matters Taskforce Report.

What actions have been undertaken by the City to implement the recommendations from the report?

Broken down by year, what are past and future Budget allocations for the implementation of the Live Music Matters Taskforce Report?

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

Please refer to the CEO Update of 1 April 2016.

### **HOUSING ISSUES PAPER (S103142)**

7. By Councillor Scott

#### **Question**

I refer to the City's Housing Issues Paper, which was on public exhibition between May and July 2015.

When can Council expect to receive the finalised paper?

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

The City's Housing Issues Paper was produced as the first stage in the development of a Housing Policy and Action Plan. The outcomes from the Housing Issues Paper public exhibition process were reported to Councillors through a CEO Update on 18 March 2016. It is currently planned to submit the draft Housing Policy and Action Plan to Council for endorsement for public exhibition after the election to the new Council.

### **STREET COUNT (S103142)**

8. By Councillor Scott

#### **Question**

I refer to the City's Street Count published on the City of Sydney website. The February 2010 count places the number of occupied hostel beds at 470. The February 2016 count puts the number of occupied hostel beds at 404. The February 2016 count notes that, on the night of the February 2016 count, hostel beds were at 98% capacity and capacity to be 414.

1. Please detail, since 2010 by year, the number of available hostel beds in the City of Sydney.

2. Broken down by year since 2004, what are past and future Budget allocations for the City's homelessness strategies, staff and related activities?

**Answer by the Lord Mayor**

Historically, the City's Street Count has only recorded the number of people staying in crisis accommodation on the night of the count, and has not collected the number of beds available. Commencing February 2015, City staff recorded data on the number of beds available and the number of occupied beds to quantify the capacity of crisis services.

Funding of crisis accommodation is the responsibility of the NSW Government Family and Community Services. As of July 2016, there are 435 crisis accommodation beds available in the LGA. The number of available beds fluctuates on a nightly basis depending on a range of factors, including client mix, eg, couples, families, people with complex needs, intoxicated persons, staffing and volunteer availability, buildings and maintenance works. The table below outlines the record of available hostel beds in the City since 2015 when data has been recorded.

	<b>Feb 2015</b>	<b>Aug 2015</b>	<b>Feb 2016</b>
<b>Available hostel beds</b>	504	486	414

The table below outlines the City's budget allocation for homelessness strategies, staff, funding:

<b>Year</b>	<b>Budget Total</b>	<b>Comments</b>
2012/13	<b>\$ 2,134,398</b>	Includes \$1.4m p.a. grant to NSW Family and Community Services
2013/14	<b>\$ 2,231,910</b>	
2014/15	<b>\$ 2,274,090</b>	
2015/16	<b>\$ 2,272,211</b>	
2016/17	<b>\$ 2,365,611</b>	

The City also supports Oasis Youth Support Network to provide a transitional accommodation service for young people aged 16-25 who are at risk of or experiencing homelessness at 90 Regent Street, Redfern. The City forgoes potential market rent of \$50,000 annually to facilitate this arrangement – an in-kind contribution of in excess of \$250,000 over the five-year lease which expires in June 2017.

**ABORIGINAL AND TORRES STRAIT ISLANDER DUAL NAMING SIGNAGE (S103142)**

9. By Councillor Scott

**Question**

How many Acknowledgement of Country signs have been installed in the City of Sydney?

Please list the locations of these signs.

Broken down by year, what are past and future Budget allocations for the implementation of the new signage related to this project?

**Answer by the Lord Mayor**

There are currently 58 Acknowledgement of Country signs installed across the City Of Sydney in the following sites:

- Alexandria Park, Alexandria
- Arthur Reserve, Darlinghurst
- Barracks Reserve, Paddington
- Hyde Park, Sydney
- Ibero American Plaza, Haymarket
- Jack Floyd Reserve, Redfern
- John Armstrong Reserve, Elizabeth Bay
- John Street Reserve, Glebe
- King George V Memorial Park, The Rocks
- Lawrence Hargraves Reserve, Elizabeth Bay
- Macquarie Place Park, Sydney
- O'Connell Street Park, Newtown
- Quarry Green, Ultimo
- Reconciliation Park, Redfern
- Redfern Park, Redfern
- Regent Street Reserve, Paddington
- Reservoir Street Reserve, Surry Hills
- Ronald Shore Park, Darlinghurst
- St Bartholomews Park, Pyrmont
- St James Park, Glebe
- St Neots Reserve, Potts Point
- Strong Memorial Reserve, Paddington
- Womerah Gardens, Darlinghurst
- Yellowmunde Park, Redfern
- Yurong Street Reserve, Darlinghurst

The past, current and future budget allocations for the implementation of new park signage are as follows:

<b>2004/05</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>
\$10,856	\$36,130	\$74,002	\$38,110	\$135,367	\$273,222	\$402,801

2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
\$613,959	\$212,687	\$212,791	\$486,033	\$536,859	\$594,316	\$625,000

2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	Total
\$297,500	\$297,500	\$297,500	\$297,500	\$297,500	\$272,500	\$6,012,133

### **DIVESTMENT (\$103142)**

10. By Councillor Scott

#### **Question**

Broken down by year since 2004, in dollar terms, please detail City funds placed with institutions that currently fund fossil fuels projects?

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

Please refer to the Relevant To for Agenda Item 6.2.

### **CHIPPENDALE GREEN CENTRAL PARK (\$103141)**

11. By Councillor Mandla

#### **Question**

Recently, a constituent came to our office with complaints in regard to skateboarding in Chippendale Green Central Park and the damage done to property owned by Council and local constituents.

Could the Lord Mayor please answer:

1. To date, how much money has been spent on fixing damage done to the park?
2. To date, what measures have been taken to reduce the amount of damage done by skateboarders?
3. When was the last time Chippendale Green Central Park had maintenance and cleaning done?
4. How often do cleaners go through the park?
5. How often does maintenance go through the park to ensure all damaged property is maintained?
6. To date, how much money has been spent cleaning graffiti off Council-owned property in the park?
7. Who, if anyone, is in charge of checking to ensure all maintenance and cleaning is done in the park?

8. Does Council have a list of constituents from whom staff will no longer accept phone complaints?
9. If so, who dictates who staff will and will not take calls from, and what guidelines influence these decisions?

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

The Chippendale Green development was completed by Fraser Property Australia in 2012. The parklands have been dedicated to the City, however, Frasers are responsible for aspects of the management and maintenance of the site until December 2017 in accordance with the voluntary planning agreement. This includes all servicing of lawns, gardens and trees, and the majority of the infrastructure elements in Central Park. Frasers Property maintain the paving in Chippendale Green/Central Park, with the City only maintaining the paving on the footpaths of the roads that cross this site.

City Operations provide litter management and general cleaning of Chippendale Green/Central Park on a daily basis in line with the City's Parks and Open Space Maintenance Contract. The condition of the site and quality of work is inspected by the City's contract manger and the contractor's Supervisor at least twice per month.

A formal quality audit is undertaken quarterly. Recent service issues identified induce removal of fine litter such as cigarette butts and bin cleaning, which is being addressed by the City's contractor. Turf wear has also been identified as an issue which is being addressed by Frasers Property.

Works include removal of litter, emptying bins and cleaning barbeques on Monday, Wednesday and Fridays. The requirement for additional maintenance by the City as a result of damage or vandalism has been minimal and limited to periodic spikes in waste, as a result of peaks in park usage or an occasional broken irrigation component, and rectified immediately.

City staff have been advised by Frasers that the need for repairs or maintenance as a result of vandalism has been minimal. Recent feedback from Frasers has suggested that skate-related activity has reduced over time. This is thought to be due to the installation of skate deterrents installed extensively through the park. Frasers also have security staff who monitor the use of the space for skating. They have indicated that skating activity is limited only to through traffic on main paths. The City Rangers have also confirmed that skate-related complaints at Chippendale Green have reduced. There have been complaints periodically through school holidays, however, this is consistent with other locations in the City.

For information on the City's Customer Service Charter and associated procedures please refer to the following website links:

<http://www.cityofsydney.nsw.gov.au/council/our-responsibilities/customer-service-charter>

[http://www.cityofsydney.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0007/229183/2014-139144-03-Procedure-Unreasonable-Customer-Conduct-June-2014-accessible.pdf](http://www.cityofsydney.nsw.gov.au/__data/assets/pdf_file/0007/229183/2014-139144-03-Procedure-Unreasonable-Customer-Conduct-June-2014-accessible.pdf)

**BUSINESS VOTE (S103141)**

12. By Councillor Mandla

**Question**

The City of Melbourne has approximately 60,000 enrolled business voters. They have slightly more than half the resident population of Sydney (93,000 versus 169,000 in the 2011 Census). Being a city with more office floor space and more retailers in every survey conducted from the 2011 Census, Cityscope and our own surveys, it could be reasonably expected that the City of Sydney would have approximately 80,000.

Could the Lord Mayor please answer?

1. How many business voters will be presenting to the Australian Electoral Commission for verification?
2. Of this number, how many were automatically enrolled by the CEO?
3. How many businesses are not enrolled?

**Answer by the Lord Mayor**

The implementation of the Non-residential Register and Rolls is the responsibility of the CEO. The CEO has previously provided 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.

**NEWSPAPER AND MEDIA ADVERTISING (S103142)**

13. By Councillor Scott

**Question**

In the past financial year 2015/2016, how many City of Sydney newspaper and media advertisements has the Lord Mayor featured in?

What is the total cost of the City's newspaper and media advertising that features the Lord Mayor in the previous financial year?

**Answer by the Lord Mayor**

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

In the 2015/16 financial year, approximately 90 newspaper and print advertisements have been produced at a cost of \$150,000. Topics have included construction updates, consultations, events, community facilities, business workshops, capital works launches and public meetings.

The Lord Mayor has the delegated authority to be the official spokesperson for the City of Sydney. This includes being the spokesperson for media and marketing materials.

**DELEGATIONS (S103142)**

14. By Councillor Scott

**Question**

Since 2004, broken down by year, how many press statements and publications issued on behalf of Council has the Lord Mayor approved under City delegations?

**Answer by the Lord Mayor**

As noted in my answer to Question on Notice 13, the Lord Mayor has delegated authority to be the official spokesperson for the City of Sydney, including for media and marketing materials. The compilation of the requested information for a period of 12 years would require significant staff time and represent an inappropriate diversion of the City's administrative resources.

**NON-RESIDENTIAL REGISTER (S103142)**

15. By Councillor Scott

**Question**

How many enrollees on the City's Non-Residential Register have ticked a box requesting more information from the City?

Of these, how many enrollees' details have been passed over to the City's Communications Unit?

**Answer by the Lord Mayor**

The implementation of the Non-residential Register and Rolls is the responsibility of the CEO. The CEO has previously provided 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.

**RECYCLING CONTAMINATION EDUCATION SCHEME (S103142)**

16. By Councillor Scott

**Question**

Please detail the current contamination rates of residential recycling collections.

Broken down by year, what are past and future Budget allocations for the City of Sydney Zero Waste Campaign?

**Answer by the Lord Mayor**

The current contamination rate for the residential recycling stream is 14%.

Past and future Budget allocations for the City of Sydney Zero Waste Campaign are as follows:



- 2012-13 – \$305,000
- 2013-14 – \$199,992
- 2014-15 – \$278,000
- 2015-16 – \$300,001
- 2016-17 - \$300,001

### **LEARN TO SWIM FACILITIES (S103142)**

17. By Councillor Scott

#### **Question**

How many learn to swim classes were offered by City of Sydney pools in the years 2013, 2014 and 2015?

What is the number of students catered for in the City's learn to swim programs in the years 2013, 2014 and 2015?

What is the number of students currently unable to be catered for in the City's learn to swim programs broken down by pool?

What is average waiting time, broken down by pool, for students wishing to enrol in one of the City's learn to swim programs?

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

The City's Learn to Swim program offers swimming lessons for all ages and abilities, from 6 months to adult, run by qualified instructors. Classes are held Monday to Sunday and split into morning and afternoon sessions. The City's indoor facilities are meeting the demand of new customer enquiries and, with Prince Alfred Park Pool reopening in May 2013, there is adequate capacity in the outdoor facilities.

The number of learn to swim classes has increased by more than 3000 from 2013 to 2015:

<b>Facility</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Andrew (Boy) Charlton Pool	1,200	1,105	943
Cook + Phillip Park Pool	24,180	22,322	26,736
Ian Thorpe Aquatic Centre	32,476	32,116	30,902
Victoria Park Pool	976	1011	1081
Prince Alfred Park Pool	1254	1408	1936
<b>Total</b>	<b>58,486</b>	<b>57,962</b>	<b>61,598</b>

All five facilities have the capability to handle new enquiries within this existing program timetable. Programs vary in occupancy of between 67% and 92% and there are currently no cases where any particular class level is at 100% occupancy. This means that there is availability in every level of the program throughout the week.

Sometimes, parents want to enrol their children at specific times for classes when there currently no availability (notwithstanding availability in other proximate classes). There is a wait list at Ian Thorpe Aquatic Centre for some specific classes which are already full in peak times. The waitlist is generally only used where there is an enquiry for a specific combination of class times and levels (e.g., when a parent is seeking to enrol two siblings in concurrent classes, or seeking a specific instructor at a specific time). Currently, there are less than 25 members on the waitlist at Ian Thorpe Aquatic Centre, with a typical wait time of 4-7 days.

### **SPEND ON ENVIRONMENTAL MASTER PLANS (S103148)**

**18.** By Councillor Forster

#### **Question**

On 20 June 2016, Council approved the draft Environmental Action 2016 – 2021 Strategy and Action Plan for public exhibition. As a result, the following master plans have been superseded:

1. Decentralised Energy Master Plan - Renewable Energy: 2012-2030;
2. Decentralised Energy Master Plan - Trigeneration: 2010-2030;
3. Decentralised Water Master Plan: 2012-2030; and
4. Advanced Waste Treatment Master Plan: 2013-2030.

What was the total cost of the development, exhibition and publication of these plans, broken down by plan?

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

The draft Environmental Action 2016 – 2021 Strategy and Action Plan focuses on defining actions to 2021 on the pathway to achieving Sustainable Sydney 2030 goals. In developing the Strategy and Action Plan, the City reviewed the suite of green infrastructure masterplans, including those documents referenced, and incorporates the findings of these Master Plans.

The City has already made significant progress towards our 2030 environmental goals. Greenhouse gas emissions in our own operations have reduced by 27% since 2006. LGA emissions have reduced by 19% since 2006 amid strong growth in population and worker numbers, with a 36% reduction in carbon intensity.

As stated in the report to the Environment Committee on 20 June this year, existing environmental master plans and strategies are supporting or reference documents. They are still live documents used to inform future actions undertaken by the City and stakeholders within the Local Government area.

**CITY OF SYDNEY PROPERTY PORTFOLIO (S103148)**

19. By Councillor Forster

**Question**

Can the Lord Mayor please provide an up-to-date list of all Council-owned properties within the LGA, as well as the total value of these properties, broken down by individual property?

**Answer by the Lord Mayor**

Please refer to the following website link for the City's land register as at January 2016:

[http://www.cityofsydney.nsw.gov.au/\\_data/assets/pdf\\_file/0019/123508/Documentation-Land-Register-from-CAMS-January-2016.pdf](http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0019/123508/Documentation-Land-Register-from-CAMS-January-2016.pdf)

Individual investment property values represent sensitive commercial information.

The total value of properties at 30 June 2015 was \$5.6 Billion. The total carrying value of non-investment properties was \$5.4 Billion. These values are listed in the City's Annual Financial Statements in Note 9 to the accounts.

These properties are subject to independent valuation, utilising a variety of valuation techniques as appropriate for their purpose and use, as set out in Note 27 to the Financial Statements.

The City's General Purpose Financial Statements are prepared in accordance with the OLG guidelines and Australian Accounting Standards, and are audited by the City's external auditors Price Waterhouse Coopers.

**LORD MAYOR STAFF NUMBERS (S103148)**

20. By Councillor Forster

**Question**

How many people (including full time, part time, casual and volunteer staff) currently work in the Office of the Lord Mayor?

What are the positions of the staff currently working in the Office of the Lord Mayor?

**Answer by the Lord Mayor**

The Office of the Lord Mayor currently employs 22 staff, including full-time and part-time staff. There are no agency contractor, casual or volunteer staff at this time. The office includes a Chief of Staff, Deputy Chief of Staff, 6 policy staff, 2 communications staff, 7 administrative staff, and 5 protocol staff that manage City events.

**CHINESE NEW YEAR (S103142)**

21. By Councillor Scott

**Question**

When does the City expect the Chinese New Year Parade to return to George Street?

**Answer by the Lord Mayor**

The City will review the future of the Chinese New Year celebrations once construction works for light rail are complete.

**ITEM 14 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS**

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

**ITEM 15 NOTICES OF MOTION**

**ROAD WORKS – TEMPORARY ROAD CLOSURES – DARLING ISLAND ROAD PYRMONT (S103138)**

1. Moved by Councillor Vithoukias, seconded by Councillor Kok -

It is resolved that Council:

(A) note:

- (i) on 18 May 2016, the Local Pedestrian, Cycling and Traffic Calming Committee voted unanimously to endorse the temporary road closure of Darling Island Road between Fyfe Street and Wharf Crescent Pyrmont from June 2016 to June 2017;
- (ii) the City of Sydney was not a voting member for this item;
- (iii) the Voting Members included: Sydney Harbour Foreshore Authority, Roads and Maritime Services, NSW Police – Sydney City LAC, and Representative for the Member for Sydney;
- (iv) the notification sent to residents of Darling Island Road stated the road closures were from 16 July to 17 November– an additional six months longer than presented to the Local Pedestrian, Cycling and Traffic Calming Committee;
- (v) residents along Darling Island Road have concerns regarding the 18 months of road closure currently proposed by the developer, their current Traffic Management Plan and the impact of it on:
  - (a) route access for residents;
  - (b) the narrow roads around Darling Island Road, including Fyfe Street and Wharf Crescent due to the Heavy Rigid Vehicles (12.5 metres long);
  - (c) the metered parking in the area; and
  - (d) safety issues for residents; and
- (vi) the Traffic Management Plan for this road closure must be approved by Roads and Maritime Services;

(B) request the Lord Mayor write to the Minister for Roads, Maritime and Freight to urgently review this approval and the Traffic Management Plan and consult with the local residents directly impacted by this 18 month projected road closure;

(C) request the Lord Mayor write to the Member for Sydney and encourage him to also write to the Minister for Roads, Maritime and Freight to urgently review this approval and the Traffic Management Plan and consult with the local residents directly impacted by this 18 month projected road closure; and

- (D) request the Lord Mayor also write to the Sydney Harbour Foreshore Authority to consider an urgent review of this approval and the Traffic Management Plan and consult with the local residents directly impacted by this 18 month projected road closure.

Carried unanimously.

### **WENTWORTH PARK (S103133)**

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

It is resolved that Council:

- (A) note:
- (i) NSW Premier Mike Baird's decision not to reappoint the Board of Trustees responsible for the management of Wentworth Park;
  - (ii) that the responsibility for management of Wentworth Park has been subsumed by UrbanGrowth; and
  - (iii) reports of a developer submitting an unsolicited proposal to the NSW Government to develop the land at Wentworth Park occupied by the racetrack; and
- (B) request the Chief Executive Officer write to the NSW Premier expressing:
- (i) the City's objection to any prospective sale of the Wentworth Park land; and
  - (ii) the City's preference for the Wentworth Park land to be used for public and community purposes only.

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

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

It is resolved that Council note:

- (A) that the term of the Wentworth Park Sporting Complex Trust ended on 26 May 2016;
- (B) that the Office of Crown Lands has appointed an administrator to manage the sporting complex until the Government makes its decision about the future of the site and advised that responsibility for management of Wentworth Park has not been subsumed by UrbanGrowth;
- (C) reports of a developer submitting an unsolicited proposal to the NSW Government to develop the land at Wentworth Park occupied by the racetrack;
- (D) the Lord Mayor has written to the Premier welcoming the recent announcement that Wentworth Park will be used for much needed open space, sporting and recreational facilities, and reiterating the City's position that it be retained for public uses and not sold off for private development; and

- (E) the Lord Mayor has also written to the Minister for Education and Communities, Adrian Piccoli MP, requesting that he reconsider the Government's decision not to build a new primary school on the City's Fig and Wattle site in light of recent revelations about the contamination of Wentworth Park.

The amendment was carried unanimously.

The substantive motion was carried unanimously.

### **CYCLIST SIGNAGE (\$103133)**

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

It is resolved that Council:

- (A) note:

- (i) recent increases to fines in relation to NSW bicycle laws, including the fine for cycling on a footpath, which has increased from \$71 to \$106; and
- (ii) NSW bicycle laws prohibiting cyclists from riding on footpaths, with the exception of designated footpaths, otherwise referred to as "shared footpaths", which allow the footpath to be used by both cyclists as well as pedestrians; and

- (B) request the Chief Executive Officer to:

- (i) undertake an assessment of the adequacy of signage for the purposes of indicating that a pathway is shared;
- (ii) undertake an assessment of the viability of improving the adequacy of shared pathway signage for the purposes of assisting cyclists to comply with NSW bicycle laws; and
- (iii) report back to Council via a CEO Update on a plan to implement the requisite signage improvements.

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

It is resolved that Council:

- (A) note:

- (i) recent increases to fines in relation to NSW bicycle laws, including the fine for cycling on a footpath, which has increased from \$71 to \$106;
- (ii) NSW bicycle laws prohibiting cyclists from riding on footpaths, with the exception of designated footpaths, otherwise referred to as "shared footpaths", which allow the footpath to be used by both cyclists, as well as pedestrians;
- (iii) all City of Sydney shared paths have the RMS standard regulatory shared path signage which designates it a shared path;



- (iv) consistent with the City's 2009 Shared Pathways Pavement Markings Guide, shared paths in the City have an additional layer of advisory signage, as well as tailored markings for specific locations. The rollout of these pavement markings is nearly completed; and
  - (v) in addition to signage, City staff undertake onsite education sessions on shared paths four times a week to educate cyclists and pedestrians about considerate shared path use; and
- (B) request the Chief Executive Officer to report back to Council via a CEO Update when the rollout of shared path pavement markings is complete.

The motion moved by Councillor Scott was carried on the following show of hands –

Ayes (4) Councillor Forster, Mandla, Scott and Vithoukas

Noes (3) The Lord Mayor, Councillors Green and Kok.

Motion carried.

#### **SOLAR POWER ENERGY SYSTEMS (S103133)**

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

It is resolved that:

- (A) Council note:
- (i) the rate of solar panel installation as a percentage of dwellings in Australia is 15%;
  - (ii) the rate of solar panel installation as a percentage of dwellings in the City of Sydney is 3.4%;
  - (iii) the rate of solar panel installation as a percentage of dwellings in neighbouring councils such as Botany Bay City Council is 7.7%; Randwick City Council is 7.2%; Marrickville Council is 7%, Waverley Council is 6.1%; and Leichhardt Municipal Council is 5.4%; and
  - (iv) the rate of solar panel installation as a percent of dwellings in similar city-centre based councils such as Melbourne is 6.1%; Brisbane is 28.4%; Perth is 8.9%; and Hobart is 11.6%; and
- (B) the Chief Executive Officer be requested to:
- (i) investigate ways in which the City of Sydney Council can improve the rate of solar panel installation among private dwellings in the City of Sydney LGA;
  - (ii) set the scope of the abovementioned investigation to include, but not limit to, a review of the City's planning framework;
  - (iii) conduct the abovementioned investigation with a view to setting a target for the installation of solar power energy systems among private dwellings in the City of Sydney LGA; and

- (iv) report back to Councillors via the CEO Update on the outcomes of these reviews.

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

It is resolved that:

(A) Council note:

- (i) seventy-five per cent of the City's residents live in apartments, compared to 60 per cent of residents across the Ausgrid distribution network, which face significant barriers to installing solar panels, including lack of roof space, overshadowing and strata governance;
- (ii) the City is providing grants to address barriers to the installation of solar panels in apartments, including support for co-operatives and different models powering common areas and individual apartments;
- (iii) the Residential Apartment Sustainability Plan was adopted by Council in April 2015, and the High Rise Apartment Retrofit Program, which includes solar power, will commence in August 2016;
- (iv) the City's draft Environmental Action 2016-2021 Strategy and Action Plan includes a \$10 million fund to increase the uptake of renewable energy in our Local Government Areas;
- (v) the City and the Office of Environment and Heritage made a joint application for the development of a ratings tool for apartments by the National Australian Built Environment Rating System (NABERS) National Steering Committee in June 2016, and both organisations will integrate a tool into residential building programs, if approved;
- (vi) in consultations on the Strata Schemes Management Bill 2015, the NSW Government agreed to the City's submission that strata contributions to administrative and capital works funds (Section 79) would include environmental resource efficiency (energy, waste, water), but they were not included due to an oversight; the City is continuing to advocate for their inclusion; and
- (vii) the Chief Executive Officer will update Councillors on the implementation of the Environmental Action 2016-21 Strategy and Action Plan and the High Rise Apartment Retrofit Program through the CEO Update.

Variation. At the request of Councillor Scott, and by consent, the amendment was varied, such that clauses (i) to (vii) be incorporated into Councillor Scott's motion, after clause (A)(iv).

Following further discussion, the amendment, as varied by consent, was incorporated into the original motion as a variation.

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

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

It is resolved that:

(A) Council note:

- (i) the rate of solar panel installation as a percentage of dwellings in Australia is 15%;
- (ii) the rate of solar panel installation as a percentage of dwellings in the City of Sydney is 3.4%;
- (iii) the rate of solar panel installation as a percentage of dwellings in neighbouring councils such as Botany Bay City Council is 7.7%; Randwick City Council is 7.2%; Marrickville Council is 7%, Waverley Council is 6.1%; and Leichhardt Municipal Council is 5.4%;
- (iv) the rate of solar panel installation as a percent of dwellings in similar city-centre based councils such as Melbourne is 6.1%; Brisbane is 28.4%; Perth is 8.9%; and Hobart is 11.6%;
- (v) seventy-five per cent of the City's residents live in apartments, compared to 60 per cent of residents across the Ausgrid distribution network, which face significant barriers to installing solar panels, including lack of roof space, overshadowing and strata governance;
- (vi) the City is providing grants to address barriers to the installation of solar panels in apartments, including support for co-operatives and different models powering common areas and individual apartments;
- (vii) the Residential Apartment Sustainability Plan was adopted by Council in April 2015, and the High Rise Apartment Retrofit Program, which includes solar power, will commence in August 2016;
- (viii) the City's draft Environmental Action 2016-2021 Strategy and Action Plan includes a \$10 million fund to increase the uptake of renewable energy in our Local Government Areas;
- (ix) the City and the Office of Environment and Heritage made a joint application for the development of a ratings tool for apartments by the National Australian Built Environment Rating System (NABERS) National Steering Committee in June 2016, and both organisations will integrate a tool into residential building programs, if approved;
- (x) in consultations on the Strata Schemes Management Bill 2015, the NSW Government agreed to the City's submission that strata contributions to administrative and capital works funds (Section 79) would include environmental resource efficiency (energy, waste, water), but they were not included due to an oversight; the City is continuing to advocate for their inclusion; and
- (xi) the Chief Executive Officer will update Councillors on the implementation of the Environmental Action 2016-21 Strategy and Action Plan and the High Rise Apartment Retrofit Program through the CEO Update; and

(B) the Chief Executive Officer be requested to:

- (i) investigate ways in which the City of Sydney Council can improve the rate of solar panel installation among private dwellings in the City of Sydney LGA;
- (ii) set the scope of the abovementioned investigation to include, but not limit to, a review of the City's planning framework;
- (iii) conduct the abovementioned investigation with a view to setting a target for the installation of solar power energy systems among private dwellings in the City of Sydney LGA; and
- (iv) report back to Councillors via the CEO Update on the outcomes of these reviews.

### **MULTICULTURAL STRATEGY FOR THE FUTURE (S103133)**

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

It is resolved that:

(A) Council note:

- (i) approximately one third of City of Sydney LGA residents speak a language other than English at home; and
- (ii) the City of Sydney Cultural Diversity Strategy 2008-2011;

(B) Council reiterate its absolute commitment to a multiculturally diverse and inclusive City of Sydney and Australia; and

(C) Council request the Chief Executive Officer to:

- (i) begin the process of preparing a new and updated City of Sydney Cultural Diversity Strategy;
- (ii) assess the viability of introducing multi-lingual versions of the City of Sydney's digital content;
- (iii) assess the viability of introducing multi-lingual versions of City of Sydney signage and branding in the CBD; and
- (iv) assess the multicultural diversity of and representation in the City of Sydney's media and digital content and publications.

Variation. Following discussion, Councillor Scott, with the concurrence of the seconder of her motion, and by consent, varied her motion such that clause (C)(i) read as follows:

- (i) ensure cultural diversity strategies are embedded into the City of Sydney's Social Sustainability Action Plan.

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

**PROVISION OF FREE PERSONAL HYGIENE PRODUCTS FOR WOMEN (S103132)**

6. Moved by Councillor Mandla, seconded by Councillor Vithoulkas -

It is resolved that:

(A) Council note:

- (i) women aged between 14 and 54 make up one third of Australia;
- (ii) in four weeks during 2014, 3.2 million Australian women aged between 14 and 54 bought sanitary pads (50%), tampons (33%), 1.6 million bought panty liners (24%) and 1 in 10 women bought all three feminine hygiene products in an average month;
- (iii) on average, one woman will use 20 tampons per cycle;
- (iv) on average, women, who make up the majority of people who use sanitary products, earn \$262.50 per week less than their male counterparts, and they are also statistically at greater risk of living below the poverty line;
- (v) 86% of women in America said they have been caught without the supplies they need in a public space, 79% of women said they were forced to improvise with toilet paper;
- (vi) on Tuesday 24 June 2016, New York City Council unanimously voted to provide menstrual supplies to all city public schools, prisons and homeless shelters;
- (vii) in Columbus, Ohio, former Councillor, Elizabeth Brown, pushed for restrooms at the city's recreation centres and community swimming pools to be similarly supplied, as well as the public schools;
- (viii) in Wisconsin, legislators have introduced a bill that would make free sanitary products available in restrooms in all public state buildings, including schools;
- (ix) university students in Harvard have invented an app where users can dispatch for a "sister" to come to the rescue on Harvard's campus;
- (x) on Tuesday 1 March 2016, Bristol company, Coexist, announced a "Period Policy" that allowed women in their employ who are suffering from menstruation pain to take time off and recognise this as part of their sick leave policy; and
- (xi) providing free tampons for one person is going to cost about AUD\$7.74 per staff member, per year; and

(B) the Chief Executive Officer be requested to:

- (i) be the first Australian council to inspire Australian organisations to join the City by providing free and easily accessible sanitary items in their bathrooms, in this instance, in all City of Sydney workplaces, for all City of Sydney staff;

- (ii) be the first Australian council to lead Australia by providing free and easily accessible sanitary items in libraries and homelessness facilities for the homeless; and
- (iii) be the first Australian council to lead Australia by providing free and easily accessible sanitary items in all sporting facilities, ie, public pools, indoor and outdoor sporting facilities.

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

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

It is resolved that:

(A) Council note:

- (i) in June 2015, New York City Council voted unanimously to introduce a series of measures to provide feminine hygiene products free of charge in public schools, prisons and homeless shelters;
- (ii) that feminine hygiene products are already being provided free and are easily accessible through the various homelessness services within the city; and
- (iii) that, in contrast to New York City Council, schools and prisons are the responsibility of the NSW State Government and homeless shelters operated by charities and not-for-profit organisations, not the City of Sydney;

(B) Council call on the Federal Liberal Government to improve gender equality by addressing the gender pay gap and reinstating funding they have cut to childcare services, women's refuges and domestic violence services;

(C) Council call on both the State and Federal Governments to abolish the Goods and Services Tax on women's sanitary items, as essential items for women's health and wellbeing; and

(D) the Chief Executive Officer be requested to investigate the cost of supplying such services and products to homelessness services in the City of Sydney Local Government Area and report back to Council.

Variation. At the request of Councillor Forster, and by consent, the amendment was varied by the deletion of clause (B).

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

Ayes (4) The Lord Mayor, Councillors Forster, Green and Kok.

Noes (3) Councillors Mandla, Scott and Vithoukias.

Amendment carried.

The substantive motion was carried.

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

It is resolved that:

- (A) Council note:
- (i) in June 2015, New York City Council voted unanimously to introduce a series of measures to provide feminine hygiene products free of charge in public schools, prisons and homeless shelters;
  - (ii) that feminine hygiene products are already being provided free and are easily accessible through the various homelessness services within the city; and
  - (iii) that, in contrast to New York City Council, schools and prisons are the responsibility of the NSW State Government and homeless shelters operated by charities and not-for-profit organisations, not the City of Sydney;
- (B) Council call on both the State and Federal Governments to abolish the Goods and Services Tax on women's sanitary items, as essential items for women's health and wellbeing; and
- (C) the Chief Executive Officer be requested to investigate the cost of supplying such services and products to homelessness services in the City of Sydney Local Government Area and report back to Council.

### **POKEMON GO (S103133)**

7. Moved by Councillor Scott, seconded by Councillor Mandla -

It is resolved that:

- (A) the City of Sydney Council be a welcome zone for *Pokemon Go*; and
- (B) Council request the Chief Executive Officer to design, print and make available for businesses *Pokemon Go Welcome Zone* signs, should they wish to display them.

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

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

It is resolved that Council note:

- (A) the City of Sydney welcomes all activities which encourage increased physical exercise and social interaction;
- (B) the initial success and popularity of *Pokemon Go*;
- (C) the likelihood of other mobile device based games and activities capturing the public's attention and having a similar impact; and
- (D) that the market and individual businesses are best placed to determine how to maximise the economic benefits of such games and activities.

The amendment was carried on the following show of hands –

Ayes (5) The Lord Mayor, Councillors Forster, Green, Kok and Vithoulikas

Noes (2) Councillors Mandla and Scott.

Amendment carried.

The substantive motion was carried unanimously.

### **DARLING HARBOUR WAYFINDING INITIATIVE (S103139)**

8. Moved by Councillor Forster, seconded by Councillor Mandla -

It is resolved that:

(A) Council note:

- (i) International Convention Centre Sydney (ICC Sydney) is a \$1.5 billion development and part of a broader \$3.4 billion, 20-hectare transformation of Darling Harbour;
- (ii) the key features of the project include convention facilities, an 8,000-seat theatre, exhibition capacity of 35,000 sqm, more than 70 meeting rooms, a 5,000-sqm open-air event deck, upgraded public domain with outdoor event space for up to 27,000 people, and improved pedestrian access from Chinatown, Central Station, Ultimo, Pyrmont and the city centre;
- (iii) ICC Sydney is a short walk from the Central Business District and the new financial services hub at Barangaroo, as well as being within walking distance of 43 major hotels and over 33,000 hotel rooms and serviced apartments;
- (iv) the project, excluding the adjacent 5-star 600-room Darling Harbour hotel, is scheduled to begin test events in October and be fully operational by late December 2016;
- (v) in December 2013, Council endorsed the Legible Sydney – Design Manual and Implementation Plan, which included a proposed family of wayfinding elements;
- (vi) in February 2016, Council resolved that authority be delegated to the Chief Executive Officer (CEO) to negotiate, execute and administer the contracts relating to the tender for the manufacture and installation of wayfinding signage; and
- (vii) it is anticipated that the manufacture and installation of all wayfinding signs will be completed within a maximum of five years from the execution date of the contract, meaning full installation may not be complete until 2021, five years after the opening of ICC Sydney and four years after the completion of the 5-star Darling Harbour hotel; and



- (B) Council request the CEO to prioritise and fast-track the installation of the City of Sydney's new wayfinding system to ensure that pedestrians can find their way to ICC Sydney quickly, easily and directly from Wynyard, Town Hall and Central stations, Chinatown, Ultimo, Pyrmont, Circular Quay and other locations throughout central Sydney.

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

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

It is resolved that:

(A) Council note:

- (i) International Convention Centre Sydney (ICC Sydney) is a \$1.5 billion development and part of a broader \$3.4 billion, 20-hectare transformation of Darling Harbour;
- (ii) the key features of the project include convention facilities, an 8,000-seat theatre, exhibition capacity of 35,000 sqm, more than 70 meeting rooms, a 5,000-sqm open-air event deck, upgraded public domain with outdoor event space for up to 27,000 people, and improved pedestrian access from Chinatown, Central Station, Ultimo, Pyrmont and the city centre;
- (iii) ICC Sydney is a short walk from the Central Business District and the new financial services hub at Barangaroo, as well as being within walking distance of 43 major hotels and over 33,000 hotel rooms and serviced apartments;
- (iv) the City is contributing to the success of the ICC and has approved visitor accommodation floorspace around the ICC. Since 2014, in the Local Government Area, 5,360 hotel rooms have been approved, or are under assessment;
- (v) the City's signage and street furniture palate will be adopted by Lend Lease in the ICC and by the Sydney Harbour Foreshore Authority in other parts of Darling Harbour to ensure consistent and legible wayfinding to and from the ICC and throughout central Sydney;
- (vi) the project, excluding the adjacent 5-star 600-room Darling Harbour Hotel, is scheduled to begin test events in October and be fully operational by late December 2016;
- (vii) the City has been liaising with Infrastructure NSW and Lend Lease about their signage for the ICC in the Darling Harbour precinct, which is proposed for installation by December 2016;
- (viii) in December 2013, Council endorsed the Legible Sydney - Design Manual and Implementation Plan, which included a proposed family of wayfinding elements;
- (ix) in February 2016, Council resolved that authority be delegated to the Chief Executive Officer (CEO) to negotiate, execute and administer the contracts relating to the tender for the manufacture and installation of wayfinding signage; and

- (x) it is anticipated that the manufacture and installation of all wayfinding signs will be completed in the 2017/18 financial year; and
- (B) Council request the CEO to investigate if the installation of the City of Sydney's new wayfinding system can be revised to prioritise wayfinding signage to ensure that pedestrians can find their way to ICC Sydney quickly, easily and directly from Wynyard, Town Hall and Central Stations, Chinatown, Ultimo, Pyrmont, Circular Quay and other locations throughout central Sydney.

The amendment was carried on the following show of hands –

Ayes (4) The Lord Mayor, Councillors Green, Kok and Vithoulkas

Noes (3) Councillors Forster, Mandla and Scott.

Amendment carried.

The substantive motion was carried unanimously.

#### **WAR ANIMAL MEMORIAL IN HYDE PARK (S103139)**

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

It is resolved that:

(A) Council note:

- (i) the State Government has been approached by the Australian War Animal Memorial Organisation (AWAMO) to investigate the establishment of a memorial to war animals as part of the World War I centenary commemorations;
- (ii) there is currently only one memorial to animals of war in NSW and the establishment of a second memorial in close proximity to the Hyde Park War Memorial, currently under refurbishment and expansion, would be fitting to remind future generations of the loyalty of the animals that have stood by our soldiers on the battlefield; and
- (iii) the work of the AWAMO has the support of a number of former Australian Prime Ministers, as well as the current government of Queensland, where 14 war animal plaques have already been erected; and

(B) Council request the Chief Executive Officer to:

- (i) investigate, in conjunction with the State Government, the Anzac Memorial Trust and the AWAMO, the possibility of the establishment of a permanent war animal memorial at a suitable location in Hyde Park; and
- (ii) report back to Councillors, via a CEO Update, the results of the investigation.

Carried unanimously.

At 8.10pm the meeting concluded.

Chair of a meeting of the Council of the City  
of Sydney held on 15 August 2016 at which  
meeting the signature herein was subscribed.