

COUNCIL

Meeting No 7
Monday 15 August 2016
Notice No 7/1576
Notice Date 11 August 2016

minutes

city of villages

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PRESENT

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

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

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

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

Councillor Vithoukas left the meeting of Council at 7.10pm prior to discussion on Item 9.9 and returned at 7.11pm at the conclusion of discussion and voting on that item. Councillor Vithoukas was not present at, or in sight of, the meeting of Council during discussion or voting on Item 9.9.

Councillor Doutney left the meeting of Council at 7.17pm during discussion on Item 14.1 and did not return.

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

Opening Prayer

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

Filming of Council Meeting

At this stage of the meeting, the Chair (the Lord Mayor) advised Council that a request had been received from EYEACT Stories to film today's Council meeting.

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

That permission be granted for EYEACT Stories to film today's Council meeting.

Carried.

ITEM 1 CONFIRMATION OF MINUTES

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

That the minutes of the meeting of Council of Monday 25 July 2016, as circulated to Councillors, be confirmed.

Carried unanimously.

ITEM 2 DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 11 on the agenda, in that the travel to China included representatives from the University of Sydney, her employer, but none from the section in which she works.

Councillor Angela Vithoukas disclosed a less than significant, non-pecuniary interest in Item 9.9 on the agenda in that she has met socially several times with one of the owners of the site, the subject of the development. Councillor Vithoukas stated that she would not be present for discussion or voting on Item 9.9.

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

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

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

ITEM 3.1 FOSSIL FUEL DIVESTMENT**FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

Climate change is the most important issue of our times. Greenhouse emissions need to be reduced urgently to avoid dangerous levels of climate change. The City of Sydney has a long-standing commitment to reducing the greenhouse gas emissions of its own operations and the Local Government Area by 70 per cent on 2006 levels by 2030.

Our operations became carbon neutral in 2007 and we were the first government in Australia certified in 2011. Since 2006, our organisation's greenhouse gas emissions have reduced by 27 per cent and emissions across our Local Government Area have reduced by 19 per cent amidst strong growth in population and employment (reducing carbon intensity by 36 per cent). Environment Action 2016-21, currently on public exhibition, sets targets for our next term, including emissions reductions of 44 per cent and renewable energy of 50 per cent for our organisation.

Transitioning rapidly away from fossil fuels to clean energy is a key part of a solution to climate change. The City's Investment Policy formally included Social Responsibility criteria in 2008. The scope of Council's investments is limited under the *Local Government Act 1993*, through a Ministerial Investment Order, to deposits and bonds in Federal, State or Local governments and in banks that are Approved Deposit-taking Institutions under the Banking Act. Councils are not permitted to invest in equities and therefore not permitted to invest directly in individual companies. The City has never directly invested in a fossil fuel project.

At present, just over half of our surplus funds are held in the "Big 4" (or related) banks, with the remainder held with 15 other approved financial institutions. The City regularly meets with financial institutions to advocate for fossil-fuel free banking products (see Attachment A for an example of a recent letter to our financial institutions). Diversifying further to smaller banks without fossil-fuel investments is challenging as they often will not accept larger deposits (due to their inability to reinvest the funds). It is also challenging to access new green investment opportunities as there is much greater demand than supply; for example, last year, the National Australia Bank issued Green Bonds but the City was unable to procure any as larger institutions acquired the entire issue.

Following review after representations by community organisation 350.org, two improvements have been identified that can be made to the City's Investment Policy:

- strengthen the commitment to "preference" sustainable investments where returns and risk are equivalent; and
- clarify that the criteria to avoid environmentally harmful activities includes coal, gas and oil.

If re-elected as Lord Mayor, I commit to directing staff to bring the revised Investment Policy and Strategy to the first ordinary council meeting after the election.

RECOMMENDATION

It is resolved that Council:

- (A) agree the Investment Policy and Strategy should be brought to the first ordinary meeting of the new council after the election on 10 September; and
- (B) note the Investment Policy will be revised to:
 - (i) strengthen the commitment to 'preference' sustainable investments where returns and risk are equivalent to other investments; and
 - (ii) clarify that the criteria to avoid environmentally harmful activities includes coal, gas and oil.

COUNCILLOR CLOVER MOORE
Lord Mayor

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

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

Variation. At the request of Councillor Scott, and by consent, the motion was varied by the addition of clause (C) as follows:

- (C) request the Chief Executive Officer to review all relevant City policies and prepare and recommend amendments to all relevant City policies for the purposes of expanding the City's current definitions of environmentally harmful activities to clarify that the current reference to production of greenhouse gases includes coal, gas and oil production.

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

ITEM 3.2 CITY OF SYDNEY COUNCIL ACHIEVEMENTS 2012 - 2016

FILE NO: S051491

MINUTE BY THE LORD MAYOR

To Council:

Tonight's meeting is the last of the current Council.

It is a great privilege to be elected to represent the people of the City of Sydney and this term we have achieved some extraordinary outcomes – for those who live in our area now as well as those who will live, work, run their business or visit here in the future.

These outcomes are the direct result of having a long term plan for the future – Sustainable Sydney 2030 – and outstanding financial planning which has allowed us to deliver on priorities while remaining debt free.

In 2008, Sustainable Sydney 2030 was adopted following the most extensive engagement program the City had ever undertaken. It included talking to tens of thousands of residents, businesses and visitors. We held roundtable discussions, major community workshops and forums with the Indigenous community and primary school children and recorded 18,854 website hits and 157,000 visitors to Customs House during the exhibition period. The majority told us they wanted Council to take action to address climate change.

Sustainable Sydney 2030 defined key issues and set out 10 strategic directions to take our city forward.

Over the last four years, staff have worked to turn the vision of Sustainable Sydney 2030 into reality. A number of key policies have been reviewed, exhibited or adopted, including:

- **Maintaining a globally competitive and innovative city:**
 - Central Sydney Planning Strategy (Draft);
 - Southern Employment Lands Strategy and Planning Proposal;
 - Central Sydney Development Contributions Plan;
 - Economic Development Strategy;
 - Tourism Action Plan;
 - Retail Action Plan;
 - Tech Startups Action Plan;
 - Draft Eora Journey Economic Development Plan;
 - OPEN Sydney Strategy & Action Plan; and
 - The Visitor Accommodation Action Plan.
- **Providing leadership on sustainability:**
 - Environmental Strategic Action Plan 2016-2021;
 - Draft Open Space and Recreational Needs Study;
 - Climate Change Adaptation Plan;
 - Energy Efficiency Master Plan;
 - Interim Waste Strategy;
 - Residential Apartments Sustainability Plan;
 - Environmental Upgrades Agreement Policy;
 - Urban Forest Strategy;
 - Urban Ecology Strategic Action Plan;
 - Tree Donation Policy;
 - Green Roofs and Walls Policy Implementation Plan;
 - Floodplain Risk Management plans; and
 - Advanced Waste Treatment Master Plan.
- **Planning for transport, walking and cycling:**
 - Connecting our City Transport Strategy and Action Plan;
 - Legible Sydney Wayfinding Strategy and Implementation Plan;
 - Neighbourhood Parking Policy;
 - Public Toilet Strategy;
 - Walking Strategy & Action Plan; and
 - Car Sharing Policy Review (Draft).
- **Designing places for people:**
 - George Street 2020;
 - City North Public Domain Plan;
 - Green Square Public Domain Strategy;
 - Sydney Streets Design Code;
 - Sydney Lights Design Code;
 - Green Square Infrastructure Strategy and Plan; and

- Chinatown and City South Public Domain Plan Review.
- **Strengthening our community:**
 - Social Sustainability Policy;
 - Inclusion (Disability) Action Plan;
 - Mobile Free Food Services Policy;
 - Community Gardens Policy;
 - Markets Policy; and
 - Companion Animals Policy.
- **Enhancing the cultural and creative life of our city:**
 - Creative City Cultural Policy and Action Plan;
 - Live Music and Performance Action Plan;
 - Draft Cultural Ribbon Strategy;
 - City Centre Public Art Plan; and
 - Green Square Public Art Plan.

I'm going to highlight a few of our achievements.

Economic

On all measures, the City's economy is extremely strong.

Our economy has continued to grow strongly, residential and commercial development is booming and the City has successfully nurtured the growth of new sectors and attracted investment. Global surveys during the term have consistently ranked Sydney as one of the leading global cities.

Economic output across the Local Government Area has continued to rise – we've experienced growth of 25% in real terms over the period 2006-07 to 2014-15. In the current term, the city's economy outstripped the national economy, growing over 4.5% per annum or 2.5% per annum in real terms to 2014-15. Last year, economic output is estimated to have reached \$110 billion.

During the last four years, the city has approved development applications valued in excess of \$15.5 billion. The last year alone saw development valued at \$5.5 billion approved.

Our work in urban renewal areas has opened up new development opportunities and produced quality neighbourhoods. The \$13 billion Green Square development has been facilitated by the City's planning work and a \$1.3 billion infrastructure plan. When complete, Green Square will be home to 61,000 people and 22,000 jobs.

Our economic base has broadened. There's always been a strong financial base – with 20% of all national jobs in the finance industry in our area – but we're also developing strong, interrelated clusters of activity across other sectors such as education and research, creative industries and information, communication and technology. This growth is mostly happening in our villages.

When I first became Lord Mayor, I made investing in our village areas a priority, in the same way village areas like SoHo and Greenwich in New York and Chelsea in London have been developed so that they are now key destinations in their own right.

The city has become the primary hub of tech start-ups in Australia. A 2015 survey showed 64 per cent of all startups in Australia are located in our Local Government Area. Our Tech Start Up Action Plan, developed in close consultation with the sector and endorsed this term, outlines how we will encourage further growth.

At the core of Sustainable Sydney 2030 is the vision of a liveable city. This is because the places that people want to live in, are the places where people want to work and to visit.

And it's why our work to support the city economy is holistic, focusing on the amenity of the city as well as targeted industry and place based initiatives. We've made it easier for Sydney businesses to compete in the fierce global market for talent and tourism dollars.

In this term, we've invested \$258 million to maintain and renew local roads, footpaths, plazas and laneways in the city centre. This work has brought previously underused spaces to life, the results of which are available for all to see.

128 small bars and other innovative businesses have moved into laneways across the city. There are 21 food trucks operating and our advice to the Hong Kong Tourism Commission has seen them launch a similar program.

Car share now has more than 30,000 members, including 9,600 business members.

We support the film and television industry which is valued at an estimated \$1 billion per year in our local area by providing assistance with stakeholder liaison and finding locations (such as the recent Jackie Chan feature film which will provide valuable international exposure for Sydney and an estimated total spend of \$15-20 million, the majority of which is in our local area).

Inadequate public transport and transport congestion costs our economy around \$5 billion per annum and is consistently identified in global surveys as one the major factors affecting our competitiveness and liveability.

The City worked with business to advocate for light rail through the CBD and George Street to reduce congestion and transform George Street into a world-class main street. We are contributing \$220 million to support CBD public domain works including the creation of pedestrianised zones. The project has seen new international retailers opening stores in the city centre and new investment along George Street.

Sydneysiders told us they would start riding bikes if we had safe, separated cycleways. We listened and acted. To date, 12.5 kilometres of new separated cycle-ways have been completed in our local area, including the first north-south separated cycleway through the City centre.

We are also rolling out our wayfinding and walking strategies to make it easier to walk through the city centre.

We've installed more than 2,100 braille and raised letter signs following extensive community consultation and on-site testing with Guide Dogs NSW/ACT and Vision Australia. The comprehensive network of braille and tactile signs is now in place at all signalised pedestrian crossings in the City of Sydney.

We've made design excellence a priority. Design excellence standards are now applied across all city development, not just the large commercial developments. For the major developments, a competitive process is required and approximately 40 competitions have been undertaken in the last four years.

This Council has been an effective partner in attracting investment to the city.

With Destination NSW, we have secured six national and international premiere musical events. We've supported the expansion of Vivid throughout the city centre. These events attract large numbers of visitors from regional NSW, interstate and, increasingly, overseas – many of whom stay in our city hotels, dine in restaurants and shop while they are here.

With Business Events Sydney, our initial contribution of \$1.5 million has helped secure 28 business events since 2013. These events represent more than 25,000 delegates who plan to stay more than 91,500 nights. The estimated economic impact from these events for our city is in excess of \$91 million. A further \$1.5 million was approved by Council to extend this rewarding partnership to 2021.

In June this year, I hosted a business and cultural delegation to Guangzhou as part of the celebrations for the 30th anniversary of the Sister City Relationship between our two cities. The City's support enabled the Australia China Business Council, Sydney Symphony Orchestra, 4A Gallery, and a collaboration between Sydney universities to strengthen relationships or pursue new opportunities with government, academic and industry representatives in China.

Sydney's visitor numbers continue to grow. In 2015, the number of visitors was almost 22% higher than for 2007 and the number of visitor nights almost 40% higher.

Our draft Central Sydney Planning Strategy lays the foundations for future economic growth, unlocking up to 2.9 million square metres of floor space while protecting heritage, public views and sun access to special public places.

By re-balancing incentives between residential and commercial floor space in the City, it will provide for 133,000 jobs and 10,000 more dwellings and, with the introduction of an affordable housing levy, could deliver 300-520 new affordable housing units.

The Strategy is the first major reform of Central Sydney planning controls in 45 years and will ensure that Central Sydney maintains its role as Australia's most productive location and export-orientated services centre.

The City's economic staff have estimated that, over the next 20 years, the additional floorspace will add \$21.2 million to the City's economy – increasing the economic value of the city centre by 40 per cent, our LGA's economy by 25 per cent and the nation's economy by 1.3 per cent.

Environmental

Under Sustainable Sydney 2030, the City has become an environmental leader with bold targets and action on waste, water, energy and greenhouse emissions.

Earlier this year, Chris Dunstan, a Research Director from the University of Technology, said 'the City of Sydney is doing more than any other Government in Australia to reduce greenhouse gas emissions'.

We became carbon neutral in 2007 and we were the first government in Australia certified in 2011.

Since 2006, our organisation's greenhouse gas emissions have reduced by 27 per cent and emissions across our Local Government Area have reduced by 19 per cent amidst strong growth in population and employment (reducing carbon intensity by 36 per cent).

Across the City's operations, our greenhouse emissions targets were met by retrofitting 45 of our major buildings with energy savings measures, replacing 6,604 street and park lights with energy efficient LED lights, installing solar panels and maintaining our fleet emissions.

Across the LGA, we've worked successfully with the business community to improve energy efficiency and reduce emissions with programs such as the Better Buildings Partnership, CitySwitch Green Office, Environmental Upgrade Agreements and Smart Green Business.

Better Buildings Partnership members have saved \$36 million in electricity costs a year and reduced their emissions by 45 per cent since 2006 – over halfway to their target to cut emissions 70 per cent by 2030.

Our Smart Green Business program has moved into its third phase during this term of Council. The program is currently working with medium to large non-office based businesses such as hotels, retailers and entertainment and conference facilities.

The City's potable water use been maintained at 2006 levels by watering our parks more efficiently, connecting some parks to recycled water supplies and retrofitting our properties with efficient fixtures and fittings. We also delivered precinct-scale stormwater harvesting schemes at Green Square Town Centre and Sydney Park.

We've increased our urban canopy. In 2008, 15.5 per cent of the city was covered, rising to 17.1 per cent when measured in 2013. It is anticipated that we will be close to our target of 23 per cent by 2030 when it is next measured in 2018. And we now have 139 green roofs and walls, 19 community gardens, five landcare groups, three community footpath verge gardens and one community composting group.

World leaders reached an historic agreement at the United Nations Conference on Climate Change in Paris, committing to limiting global temperature rise to less than 2 degrees, ideally 1.5 degrees. By signing the Paris Pledge for Action, the City of Sydney stands with other city leaders who have also committed to this goal and our Environment Action 2016-21 sets bold targets for next term and outlines how we will achieve them.

Effective action requires collaboration and partnerships across Federal, State and Local Government. We've continued to advocate for improved minimum standards for new homes and regulatory reform where change is needed to achieve a sustainable future for our city including energy market reform.

Social

Evidence shows that cities committed to social justice, equality and inclusion perform better economically, environmentally, culturally and socially.

The City is one of a few councils in NSW on track to address a shortage in the supply of childcare. In 2013, we commissioned a comprehensive analysis of current and future Early Childhood Education and Care needs which identified unmet demand of 3,104 places.

To help dramatically increase stock, we introduced a Childcare Development Control Plan (DCP) which was the first of its kind and says that all buildings over a certain size in our area have to provide space for a childcare centre.

Our planning staff have also been negotiating the inclusion of childcare centres through voluntary planning agreements (VPA) when developers submit new development applications. Recent additions include a centre in the new Haymarket Library building, as well as two centres in the proposed redevelopment of the George Street Cinema site. All three will be handed over to the City to run as part of the VPAs.

We've also been building our own centres – construction of three new centres in Alexandria, East Sydney and Annandale has been completed and another centre in Green Square is due for completion early next year.

All this work has resulted in a net increase of 967 new operating places, over 2,000 places that have been approved or are under construction, 588 places currently under assessment by planning staff – overall it's an increase of more than 3,500 places.

In our ever growing city, the provision of parks, playgrounds and open space is more important than ever.

In the last 10 years, we've added over 18.3 hectares of open space to our city. Key projects include Pirrama Park, Pyrmont; Harmony Park, Surry Hills; Chippendale Green and Sydney Park.

Sydney Park is now one of Sydney's best loved regional parks, with at least one million people a year enjoying it. It includes an \$11.3 million water reuse scheme – the largest in Sydney - that will provide water to the parks four wetland areas which are an important part of the park's ecosystems as well as playing a role in flood mitigation.

We've upgraded 81 neighbourhood parks and delivered 48 new or upgraded playground facilities. And we've upgraded existing playing fields at Jubilee Oval, Waterloo Oval, Reg Bartley Oval and Turruwul Park and delivered new swimming centres including Ian Thorpe Aquatic Centre and Prince Alfred Park Pool.

We've upgraded courts at Prince Alfred Park, Rushcutters Bay Park and St James Park and delivered a major skate facility at Waterloo Oval.

This term we've seen the completion of new parks and the renewal of existing parks with works valued at almost \$80 million. These include Quarry Green in Ultimo, Wulaba Park in Waterloo and Chelsea Park in Redfern.

Our commitment of \$540 million over 10 years for Green Square will deliver quality infrastructure as well as new community facilities. Community facilities include an innovative library and plaza to be completed in 2018; Gunyama Park Aquatic and Recreation Centre for which construction is expected to start in mid-2017; the Drying Green park that will open next year as well as the Green Square Community and Cultural Precinct on the former South Sydney Hospital site.

The community and cultural precinct will house the Joynton Avenue Creative Centre which will provide an accessible place for creative practice, a gallery space suitable for an Artist-Run Initiative, opportunities for emerging artists to hire low cost spaces, as well as incubator office space. The precinct will also house the Waranara Early Education Centre and the Banga Community Shed with tools, equipment and other resources for the local community to use.

We've also upgraded and maintained existing community properties. In all, we've invested \$240 million during the implementation of Sustainable Sydney 2030 and have committed to a capital program of some \$317 million over the next 10 years.

Ensuring our city has enough social and affordable housing continues to be a priority. There are now 845 affordable housing units in our area, up from 447 in 2007. A further 224 have been approved and not yet completed and there are more in the development pipeline.

We're using every mechanism available to us to increase the supply of social and affordable housing in the city.

We've introduced a new Affordable Housing levy in the Southern Employment Lands precinct, and the proposed levy in the Draft Central Sydney Planning Strategy which could deliver up to 1200-1400 new affordable units. And we've used our own property portfolio to facilitate the delivery of affordable units.

At the former South Sydney Hospital site in Green Square, I joined the Minister for Social Housing, Brad Hazzard MP, in opening the Exordium apartments, providing 104 affordable units in Zetland.

Just last month, Council approved the sale of the Marion Street depot for a new 'Common Ground style' development delivering 112 affordable units and 46 supported homeless places, subject to the Future Living Consortium being awarded funding under the NSW Government's Social and Affordable Housing Fund. Council also endorsed providing City-owned land close to the Green Square Town Centre to deliver a further 300 affordable units.

During this term, we established the Affordable and Diverse Housing Fund with the \$10.3 million from the sale of land in Harold Park (that also secured 76 new affordable housing units). The fund will contribute to a variety of new projects.

We'll continue to support new projects and strongly advocate for the extension of a levy across the local government area. However, the affordable housing crisis will not be addressed until there is leadership from the Federal and State governments.

The City continues to work hard to support homeless people in our area. We've provided \$4.2 million towards homelessness services and we are the only council in Australia with a homelessness unit.

We've partnered with NSW Family and Community Services, NSW Police, St Vincents Homeless Health, Mission Australia, Neami National, Launchpad Youth Services and other specialist homelessness services to reduce homelessness in key areas including Woolloomooloo, Wentworth Park and Belmore Park.

Cultural

Our community expressed a strong desire for a cultural and creative city in Sustainable Sydney 2030 and this was endorsed and extended through our community engagement in the development of Sydney's first Cultural Policy.

I am proud that our strong financial position has enabled Council to continue investing \$34 million each year in the cultural and creative life of our city at a time when other levels of government have reduced funding.

Direct funding through our grants and sponsorship is only one lever at our disposal. We know that the leadership we provide through our city planning, regulatory reform and the management of our property portfolio are also critical.

In an Australian first, a \$25 million state of the art Creative Hub for dance, theatre, music, film and visual arts facilities will be built in the city centre following an agreement negotiated by the City and developer, Greenland Australia.

Since 2012, Council has undertaken a number of short, medium and long term (5-10 years) initiatives to activate lower Oxford Street. One of the most visible initiatives was the activation of City-owned properties with creative tenants. Since February 2012, four formerly vacant City-owned retail and 14 office spaces were activated by creative enterprise through the Oxford Street Creative Spaces Program.

On average each year, more than 170 cultural workers and creative entrepreneurs benefited from access to affordable space through this program, with 30% working 30 or more hours from the space. In addition, another 140 artists each year were provided with space to work from.

Since the commencement of the Creative Spaces Program, the tenants have attracted tens of thousands of visitors to the area including customers, clients and audiences/participants in public programs and events. 585 events were delivered by artists, businesses and organisations including artist talks, workshops or masterclasses, VIP customer nights, industry gatherings, exhibition opening nights and meet-ups.

In addition to those who worked directly from the spaces, a further 1,900 artists and creatives had their work showcased in the spaces over the last four years.

The Eternity Playhouse opened in November 2013 and has quickly become a prominent and iconic theatre destination in Sydney. This 127 year old heritage listed building was restored and renovated by the City into a state-of-the-art theatre and new home for Darlinghurst Theatre Company.

In 2015, Darlinghurst Theatre Company staged 198 theatre performances across seven major productions and attracted 22,000 theatre patrons. They hosted over 50 events for not-for-profit organisations, local groups and performing arts schools.

When the Darlinghurst Theatre Company transferred to the Eternity Playhouse, its former home in Greenknowe Avenue, Potts Point became vacant. Following a comprehensive expressions of interest process, Independent Music Theatre was selected to manage the space.

In February 2014, the venue reopened as Hayes Theatre Co with a new production of Sweet Charity. That production attracted capacity audiences, won numerous Helpmann and Sydney Theatre Awards, had a return season at Sydney Opera House and subsequently toured to Melbourne, Canberra and Wollongong. This quickly and firmly established the Hayes as a major new home for musical theatre in Sydney and Australia.

As well as making City-owned properties available for creative activities, we've begun making it easier to make use of space not originally designed for creative activities. In February, Council endorsed the creative spaces discussion paper New Ideas for Old Buildings for public exhibition. This paper sets out options for overcoming the regulatory barriers our creative community face in establishing new creative spaces and provides a foundation for the next Council to overcome them.

The City has made over 20 City-owned properties available for student rehearsals at no-cost, we've supported the establishment of The Gig Buddies pilot project (to pair a person with a learning disability, aged 18 and over, with a volunteer to go to events together) and, in 2014, we approved \$60,000 one-off seed funding to 10 Group to support the establishment of Art Money - an interest-free art purchasing scheme. Art Money was launched in April 2015 with 26 participating galleries. One year on and the number of city galleries participating has increased to 35. Art Money has issued over 300 loans generating over \$1.7 million in sales. One-quarter of customers have identified as first time art buyers.

Bringing the City's history alive has been made easier with the introduction of our Sydney Culture Walks app. This app offers users curated walking tours through Sydney's historical and public art points. Over the past 24 months, there have been 22,457 total users making 61,454 total sessions.

Public art is an important element of any city. In the last four years, we have installed popular artworks including Jason Wing's *In Between Two Worlds* in Chinatown; *Youngsters* by Caroline Rothwell in Barrack Street; *Yininmadyemi Thou didst let fall* by Aboriginal artist Tony Albert; as well as numerous temporary works through the Art and About and Eora Journey Recognition in the Public Domain programs.

Progress has also been made in the development of significant new artworks to be installed in the city centre as part of the George Street light rail project including Tracy Emin's *The Distance of Your Heart* and *Cloud Arch* by Junya Ishigami.

Events delivered by the City – Lunar New Year, Christmas, New Year's Eve and Art and About – continue to evolve and have grown significantly under this Council's leadership. At the same time, we've been able to provide significant support for some of Sydney's major festival and events such as Sydney Festival, Sydney Film Festival, Sydney Writers' Festival, Fringe Festival, The Biennale and Mardi Gras.

We want to make sure that our libraries play a central role in the community and respond to changes in population and technology so we've upgraded our existing libraries and are building new ones. Green Square Library Plaza is due for completion in early 2018 and Darling Exchange Library is part of a new building designed by Japanese Architect Kengo Kuma and Associates and due for completion in 2019.

Partnerships

I would like to thank the many members of our advisory panels and reference groups who have worked with Councillors and City staff to achieve these remarkable outcomes.

This includes the Aboriginal and Torres Strait Islander Advisory Panel, Better Buildings Partnership, Central Sydney Planning Committee, Chinese New Year Advisory Panel, City Switch National Steering Group, Curatorial Advisory Panel, Cycling Advisory Committee, Design Advisory Panel, Eora Journey Public Art Working Group, Green Living Centre Reference Committee, Inclusion (Disability) Advisory Panel, Late Night Premises Reference Group, Live Music Live Performance Taskforce, Mid-tier Industry Reference Group, Night Time City Operations Group, Night Time City Transport Working Group, Public Art Advisory Panel, Residential Apartment Sustainability Reference Group, Retail Advisory Panel, Safe Space Steering Group, Social Sustainability Taskforce and Sustainability Strategy Reference Group.

I would also like to thank the tens of thousands of people – residents, workers, business owners, representatives of the not-for-profit and business sectors and government representatives – who have shared their knowledge and advice and who have been active and engaged contributors to our city. The important feedback from across our community shapes our policy and informs the detail of how projects are designed and implemented.

I would also like to acknowledge the importance of the City's participation in international collaborations such as the C40 Climate Leadership Group and the 100 Resilient Cities Program.

Sydney was announced as a member of the 100 Resilient Cities network in late 2014. This initiative, pioneered by the Rockefeller Foundation, helps cities around the world become more resilient to the physical, social and economic challenges of the 21st century. We are now working collaboratively with Councils from across metropolitan Sydney, as well as the NSW government, to develop the Resilient Sydney strategy.

I want to thank Councillors for your contribution and commitment to the City, especially those Councillors not seeking re-election – Deputy Lord Mayor Irene Doutney, Councillor John Mant and Councillor Jenny Green. And of course, the late Cr Robyn Kemmis who we miss every day.

Importantly, I wish to recognise the outstanding efforts of City staff over this term. We have benefited from having dedicated and expert staff working at this Council, led by our effective and inspiring CEO Monica Barone and our committed and talented group of Directors.

Thank you to the CEO, Directors and all staff for all your hard work and expert advice and commitment to our common goals of Sustainable Sydney 2030.

RECOMMENDATION

It is resolved that Council acknowledge the contributions of all City Councillors, City of Sydney staff, partners, community members, and all who have worked constructively to achieve a better city.

COUNCILLOR CLOVER MOORE

Lord Mayor

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

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

Carried unanimously.

During discussion on Item 3.2, the Chair (the Lord Mayor) invited Councillors to address the meeting, it being the last Council meeting of the current term.

Each Councillor then addressed the meeting of Council on their term in office.

Extension of Time

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

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

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

Carried.

ITEM 4.1 NSW ABORIGINAL RUGBY LEAGUE KNOCKOUT SPONSORSHIP**FILE NO: X003748****MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER**To Council:

The NSW Aboriginal Rugby League Knockout, known in the community as the Knockout, is the largest annual Aboriginal and Torres Strait Islander gathering in NSW. The first Knockout was held at Camdenville Oval in St Peters in 1971 organised by the Redfern All Blacks.

Today, the Knockout has grown to include 132 teams from communities across the State, including 64 men's teams, 22 women's teams and 46 junior rugby league teams. Tens of thousands of people participate as players, officials, volunteers and spectators over four days of competition.

The winner of the men's event wins the right to host the next tournament. The Redfern All Blacks won both the men's and women's events at the 2015 carnival in Dubbo.

The 2016 Knockout will be held at Leichhardt Oval and surrounding grounds on the October long weekend from 30 September – 3 October. The large number of games held during the carnival require multiple ovals in close proximity. Leichhardt offers the best facilities with the required ovals that are closest to Redfern.

The Redfern All Blacks is the oldest Aboriginal Rugby League Club in Australia and has been at the cultural, community and political heart of Aboriginal Redfern for around 80 years.

The victory of the Redfern All Blacks and their hosting of the carnival this year is a cause for great cultural celebration in our city. It will be a time when members of the local community welcome Aboriginal and Torres Strait Islander communities – family and friends – from across NSW to experience Sydney and, in particular, the home of the host team, Redfern. It is also an opportunity for the City to share some of the projects and achievements from the Eora Journey, Reconciliation Action Plan and Redfern Community Centre with Aboriginal and Torres Strait Islander people visiting Sydney for the Knockout.

The carnival has significant cultural and community outcomes for Aboriginal and Torres Strait Islander communities. It is often described as a "modern day Corroboree". As well as the rugby league competitions, a series of community and cultural events will be held. Many will take place in Redfern, including at the Redfern Community Centre.

The carnival is a no-smoking and no-alcohol event and promotes healthy and active living. The Knockout organisers have established partnerships with several successful community health and wellbeing programs including "Girls, make your move," "Tackling violence" and the highly regarded "Clean slate without prejudice" and "Never going back" programs run by the Redfern community and Redfern Police.

Hosting the carnival in Sydney poses significant organisational and event management challenges that are different from those experienced by the regional communities that have hosted the carnival in recent years.

The event budget is close to \$1million. They have secured over \$900,000 in sponsorship and other income including significant support from the Inner West Council and the NSW NRL. To date, the City has supported the organisers with a \$30,000 festival and events grant for cultural activities as well as \$3,042 value-in-kind to use Redfern Community Centre for meetings and functions.

The Redfern All Blacks Knockout Committee presented to the July meeting of the City's Aboriginal and Torres Strait Islander Advisory Panel. As part of the presentation, they requested additional cash sponsorship of \$42,000 and value-in-kind for banner pole hire of \$3,366. This would enable them to employ an event manager in the lead up and during the event (\$30,000) and to promote the event with posters and street banners around Redfern (\$12,000).

This additional funding will assist the organisers overcome the challenges of hosting a large community and sporting event in inner Sydney and also increase engagement and sense of celebration within the Redfern community.

Support for the Redfern All Blacks and the 2016 Knockout carnival aligns with actions in Sustainable Sydney 2030 to celebrate and support the cultures of the First Nations people of Sydney.

Funding of \$42,000 is available from the approved 2016/17 Grants and Sponsorships budget. Value-in-kind is provided in line with the banner pole hire program for not-for-profit organisations and the City's grants and sponsorship guidelines.

RECOMMENDATION

It is resolved that:

- (A) Council approve cash sponsorship of \$42,000 (excluding GST) and \$3,366 value-in-kind to the Redfern All Blacks Rugby League Football Club Incorporated to host the 2016 Aboriginal Rugby League Knockout;
- (B) Council note that all grant amounts are exclusive of GST and all value-in-kind offered is subject to availability; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with the Redfern All Blacks Rugby League Football Club Incorporated.

MONICA BARONE
Chief Executive Officer

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

At the meeting of Council, the Chair (the Lord Mayor) tabled the following Petition (containing 774 signatures):

Keep Sydney's Pride Alive

To: Lord Mayor Clover Moore and the City of Sydney

Stop the sell-off of the iconic T2 Building in Taylor Square – start creating an LGBTI Museum instead.

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

It is resolved that the Petition be received and noted.

Carried.

Adjournment

At this stage of the meeting, at 6.27pm, 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 6.44 pm, those present were –

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

ITEM 6 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 8 AUGUST 2016

PRESENT

Councillor Clover Moore
(Chair)

Councillor Robert Kok
(Deputy Chair)

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

At the commencement of business at 1.06pm those present were -

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

Councillor Forster arrived at the meeting of the Corporate, Finance, Properties and Tenders Committee at 1.18pm during discussion on Item 6.2.

Apology

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.

Adjournment

At 2.28pm, it was moved by the Chair (the Lord Mayor) seconded by Councillor Kok –

That the meeting of the Corporate, Finance, Properties and Tenders Committee be adjourned for approximately 15 minutes.

Carried.

At the resumption of the meeting of the Corporate, Finance, Properties and Tenders Committee at 2.45pm, those present were –

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

Closed Meeting

At 2.46pm, the Corporate, Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss confidential Attachment A to Item 6.4 on the agenda.

Open Meeting

At 2.55pm, the Corporate, Finance, Properties and Tenders Committee was reopened to the public.

The meeting of the Corporate, Finance, Properties and Tenders Committee and its Sub-Committee concluded at 2.58pm.

Report of the Corporate, Finance, Properties and Tenders Committee

Moved by Councillor Kok, seconded by Councillor Mant -

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 8 August 2016 be received, and the recommendations set out below for Items 6.3 to 6.10 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

2015/16 QUARTER 4 REVIEW - DELIVERY PROGRAM 2014-2017 AND 2016 END OF TERM REPORT (S096187)

It is resolved that Council:

- (A) note the financial performance of Council for the year ending 30 June 2016, including the Net Surplus of \$63.0M as outlined in the subject report and summarised in Attachment A to the subject report;
- (B) note the full year Capital Works expenditure of \$225.0M, and approve the proposed revote of budget and other adjustments, which will increase the adopted 2016/17 budget of \$298.4M by \$18.4M to \$316.9M and note the forward estimates as detailed in Attachment B to the subject report;
- (C) note the full year Plant and Assets expenditure of \$16.1M, net of disposals, and approve the proposed net revote of \$4.9M to increase the adopted 2016/17 net budget to \$25.6M;
- (D) note the Information Services Capital Works expenditure of \$6.9M, net of disposals, and approve the proposed revote of \$4.8M to increase the adopted 2016/17 budget to \$13.3M;

- (E) note the operational performance indicators and quarter and full year achievements against the Delivery Program 2014-2017 objectives, as detailed in Attachment C to the subject report;
- (F) note the supplementary reports, including contracts issued over \$50,000, major legal issues and the Quick Response, Banner Pole and Reduced Rate Grant Programs in Quarter 4, as detailed in Attachment D to the subject report;
- (G) note the Environmental Sustainability Progress Report, as shown at Attachment E to the subject report; and
- (H) receive the 2016 End of Term Report as provided in Attachment F to the subject report.

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

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

Carried unanimously.

ITEM 6.3

INVESTMENTS HELD AS AT 31 JULY 2016 (X005605)

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

Carried unanimously.

Speakers

Ms Gillian Reffell addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.3.

ITEM 6.4

TENDER - EORA JOURNEY 'MONUMENT FOR THE EORA' (S110606)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'D' for the Eora Journey 'Monument for the Eora' public art concept outlined in confidential Attachment A to the subject report;
- (B) Council endorse the direct appointment of an expert with cultural knowledge specific to the proposal of the recommended tenderer, nominated by the Curatorial Advisor, from the project budget as outlined in confidential Attachment A, to facilitate discussions with Aboriginal and Torres Strait Islander communities and provide specific cultural knowledge to inform the development and implementation of the recommended project;
- (C) Council endorse the expenditure of funds for the project to be delivered on land not under the control of the City of Sydney; and

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

Carried unanimously.

ITEM 6.5

TENDER - CITY OF SYDNEY POPULATION PROJECTIONS AND INTERACTIVE ABS CENSUS PROFILES (S042248)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the City of Sydney Population Projections and Interactive ABS Census Profiles for a period of five years, with the option of an extension of five years at the City's discretion;
- (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 6.6

TENDER - QUALITY SECURITY ASSESSMENT AND VULNERABILITY SCANNING FOR PAYMENT CARD INDUSTRY DATA SECURITY STANDARDS (S112450)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Quarterly Security Assessment and Vulnerability Scanning services for a period of three years, with the option of two, one-year extensions, 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 6.7

TENDER - MANAGEMENT AND OPERATION OF GOULBURN STREET PARKING STATION (X003169.031)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'C' for the management and operation of the Goulburn Street Parking Station for a period of two years and seven months, plus two option periods of one year each, subject to performance;
- (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 options referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

ITEM 6.8

TENDER - BUILD AND DELIVERY OF THE 2017 SYDNEY CHINESE NEW YEAR ZODIAC LANTERNS (X003940.010)

It is resolved that:

- (A) Council accept the tender offers of Tenderer 'A' for Lantern 1; Tenderer 'G' for Lantern 2; Tenderer 'D' for Lanterns 4 and 5; and Tenderer 'H' for Lantern 6 for the build and delivery of the 2017 Sydney Chinese New Year Zodiac Lanterns and approve the contingency outlined in the Confidential Attachment;
- (B) Council note that no approval is required for Lantern 3, as Lantern 2 was selected as the preferred Pig Lantern; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

ITEM 6.9

TENDER - HIGH RISE APARTMENT DATA PORTAL (X003418.011)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the City of Sydney high rise apartment data portal for a period of three years, with the option of an extension of two, 12-month periods;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contract 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 6.10

TENDER - PURCHASE OF ONE PRODUCTION COPIER, INCLUDING ONGOING SERVICING (X005638)

It is resolved that:

- (A) Council reject tenders received for the purchase of one production copier, including maintenance service calls and the provision of consumables and spare parts, for a period of five years from date of installation;
- (B) Council enter into negotiations with suitable companies for the purchase of one production copier, including maintenance service calls and the provision of consumables and spare parts, for a period of five years from date of installation;
- (C) authority be delegated to the Chief Executive Officer to enter into a contract, subject to the conclusion of negotiations with suitable companies for the purchase of one production copier, including maintenance service calls and the provision of consumables and spare parts, for a period of five years from date of installation; and
- (D) a report be provided to Councillors via the CEO Update immediately following the signing of the contract relating to the tender.

Carried unanimously.

ITEM 7 REPORT OF THE ENVIRONMENT COMMITTEE - 8 AUGUST 2016

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

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

At the commencement of business at 2.59pm those present were -

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

Apologies

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

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

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

Carried.

The meeting of the Environment Committee concluded at 3.08pm.

Report of the Committee

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

That the report of the Environment Committee of its meeting of 8 August 2016 be received, and the recommendations set out below for Items 7.2 and 7.3 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**REVISED ENVIRONMENTAL UPGRADE AGREEMENTS POLICY – ADOPTION (S101635)**

It is resolved that Council adopt the revised City of Sydney Environmental Upgrade Agreements Policy, as shown at Attachment A to the subject report.

Carried unanimously.

ITEM 7.3**SYDNEY CITY CATCHMENTS – INCORPORATING THE CITY AREA AND DARLING HARBOUR CATCHMENTS – FLOODPLAIN RISK MANAGEMENT STUDIES AND PLANS – ADOPTION (S122236)**

It is resolved that Council adopt the final Flood Studies, final draft Floodplain Risk Management Studies and final draft Floodplain Risk Management Plans for the City Area Catchment and Darling Harbour Catchment, as shown at Attachments B to G to the subject report.

Carried unanimously.

ITEM 8 REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 8 AUGUST 2016

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

Councillor Jenny Green
(Deputy Chair)

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

At the commencement of business at 3.09pm those present were -

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

Apologies

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

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

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

Carried.

The meeting of the Cultural and Community Committee concluded at 3.23pm.

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 8 August 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**GRANTS AND SPONSORSHIP – ROUND TWO ALLOCATION OF ANNUAL PROGRAMS 2016/17 – MATCHING GRANTS, ENVIRONMENTAL PERFORMANCE GRANTS AND AWARDING OF ONE GRANT UNDER CULTURAL AND CREATIVE GRANTS AND SPONSORSHIP PROGRAM (S117676)**

It is resolved that:

- (A) Council approve the cash grant and revenue foregone (VIK) recommendations for 2016/17 under the Environmental Performance – Building Operations Grant Program listed as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
The Owners - Strata Plan No. 76829	Citta Apartments Water Monitoring Project	Installation of a sub-meter and data loggers at Citta Apartments, 1-25 Adelaide Street, Surry Hills.	\$1,652	Nil
The Owners - Strata Plan No. 54036	The Peak Apartments Water Monitoring Project	Installation of a sub-meter and data loggers at The Peak Apartments, 2 Quay Street, Haymarket.	\$9,000	Nil
The Owners - Deposited Plan No. 1067958	Bullecourt Apartments Water Monitoring Project	Installation of a sub-meter and data loggers at Bullecourt Apartments, 444 Harris Street - 287 Pymont Street, Ultimo.	\$6,481	Nil

- (B) Council approve the cash grant and revenue foregone (VIK) recommendations for 2016/17 under the Environmental Performance – Innovation Grant Program listed as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
Closed Loop Environmental Solutions Pty Ltd	Closed Loop Coffee Cup Recycling Pilot Project	A feasibility study investigating broad-scale collection and recycling of coffee cups otherwise sent to landfill.	\$17,500	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
Share My Solar Pty Ltd	SolarCloud ATPI	A feasibility study investigating the demand for businesses and consumers installing and purchasing solar panels hosted remotely.	\$20,000	Nil
University Of Technology Sydney	The Algae Prototype Panel (APP) Project	A demonstration project to build a prototype algae panel for onsite energy generation at the University of Technology, Sydney.	\$10,000	Nil
University Of Technology Sydney	Developing Best Practice for End of Trip Facilities in CBD Office Buildings	A feasibility study investigating best practice end of trip facilities in CBD office buildings	\$15,000	Nil

- (C) Council approve the cash grant and revenue foregone (VIK) recommendations for 2016/17 under the Environmental Performance – Ratings and Assessment Grant Program listed as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
The Owners - Strata Plan No.76829	Citta Energy Assessment Project	An energy efficiency assessment to be undertaken at Citta Apartments, 1-25 Adelaide Street, Surry Hills.	\$6,100	Nil
The Owners - Strata Plan No. 77684	13-17 Greek Street, Glebe – Energy Assessment Project	An energy efficiency assessment to be undertaken at 13-17 Greek St, Glebe.	\$5,188	Nil
The Owners -Strata Plan No.53188	The Darlington Energy and Water Assessment Project	An energy and water efficiency assessment to be undertaken at The Darlington, 152-164 Bulwara Road, Pyrmont.	\$6,960	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
The Owners -Strata Plan No. 57394	The Point Apartments Energy & Water Assessment Project	An energy and water efficiency assessment to be undertaken at The Point Apartments, 109 Point Street, Pyrmont.	\$6,450	Nil
The Owners -Strata Plan No. 61131	Palladium Heat Pump & Solar Feasibility Study	An energy and water efficiency assessment to be undertaken at The Palladium, 102 Miller Street, Pyrmont.	\$6,150	Nil

- (D) Council approve the cash grant and revenue foregone (VIK) recommendations for 2016/17 under the Matching Grant Program listed as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
1 Million Women	1 Million Women (1MW) Road Show	A road show and workshop to educate women in cost effective and low carbon alternatives in the City of Sydney area.	\$3,980	Venue Hire fee waiver to the value of \$2,800
BaptistCare HopeStreet	Block Party In The 'Loo	A community festival focussed on connecting youth and families with local community service providers within a creative environment celebrating urban arts, culture and diversity in Woolloomooloo.	\$10,000	Nil
Bird Connections	Bird Connections	Performances and an exhibition of 12 local, regional and interstate artists in Redfern promoting environmental awareness.	\$3,712	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
Bridge for Asylum Seekers Foundation (BASF)	Refugee Rights Symposium	An event in Martin Place promoting awareness of refugee issues via the work of 14 asylum seeker poets, writers and artists.	\$6,500	Venue Hire fee waiver to the value of \$3,500
Environmental Film Festival Australia	Environmental Film Festival Australia - Sydney	A film festival at various locations across the City of Sydney area exploring environmental issues.	\$4,500	Street Banner hire fee waiver to the value of \$4,600
Grace City Church	Carols in the Park	A community Christmas Carols event in Green Square run in conjunction with the Green Square Night Markets.	\$10,000	Nil
Gure Txoko Basque Club Inc.	A Taste of the Basque Country	A community festival in Darlinghurst celebrating Basque culture, food, music and cinema.	\$9,500	Nil
Little Poss Pictures	Sounds of Space	A free, inclusive and family-friendly event at 107 Gallery in Redfern inviting local residents to engage with the arts and the wonders of the universe through a tactile exhibition space, crafting, talks and an immersive audio/visual display on the theme of Space.	\$10,000	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
Milk Crate Theatre	The Connexion Program	A theatre program for disadvantaged people and people with mental illnesses from across the City of Sydney area.	\$10,000	Nil
Mood Active	Mood Active Pilot Program - City of Sydney	Free group exercise classes in Prince Alfred Park for City of Sydney residents suffering from mental illness.	\$10,000	Nil
Old friends singers group Community	Indonesian and Chinese community celebrations	A program of traditional Chinese and Indonesian arts and cooking classes in Zetland for older City of Sydney residents.	\$2,850	Nil
Rainbow Babies and Kids (doing Business as Rainbow Families Inc.)	Strengthen community inclusion and connections for Rainbow Families	Community support events for GLBTI families at various locations across the City of Sydney area including Victoria Park, Oxford Street and Darling Harbour.	\$7,500	Venue Hire fee waiver to the value of \$2,500
Reverse Garbage Co-operative Ltd	Waste Less Learn More	A program to provide four low income school communities access to waste reduction activities, waste audits and reuse sorting stations.	\$8,600	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
St John's Community Services Ltd	Rough Edges - Engaging Street Front	A project working with volunteers from the Rough Edges community drop-in centre in Darlinghurst to redesign the facility's street front.	\$6,997	Nil
The Australian Institute of Architects Foundation	Sydney Architecture and Design Film Festival	An architecture and design film festival in Circular Quay and Potts Point exploring the role architecture plays in building strong, sustainable and vibrant communities.	\$7,500	Nil
The Glebe Society Inc	Glebe Community Analyses Needs (GlebeCAN) Village Collective Impact Supply Stage	A database and survey of the social services in Glebe to identify gaps in services and funding priorities for the local community.	\$5,250	Nil
The Older Women's Network NSW Inc	Older Women's Network - Newtown Wellness Centre	A program of affordable classes and activities in Newtown to enhance and maintain the wellbeing of older women in the community.	\$6,580	Nil
The Other Art Fair Australia Pty Ltd	The Other Art Fair Sydney 2016	An exhibition of emerging artists that connects them with collectors, curators and gallerists in Waterloo.	\$3,350	Street Banner hire fee waiver to the value of \$6,650

- (E) Council approve a cash grant of \$50,000 (excluding GST) under the Cultural and Creative Grants and Sponsorship Program to University of New South Wales for the exhibition EXIT;
- (F) Council note that all grant amounts are exclusive of GST and all VIK offered is subject to availability; and
- (G) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy.

Carried unanimously.

Speakers

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

ITEM 8.3

KNOWLEDGE EXCHANGE SPONSORSHIP – SETTLEMENT SERVICES INTERNATIONAL (S117676)

It is resolved that:

- (A) Council approve cash sponsorship of \$8,000 (excluding GST) under the Knowledge Exchange Sponsorship Program to Settlement Services International for the National Multicultural Women's Conference 2016; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Settlement Services International.

Carried unanimously.

ITEM 9 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 9 AUGUST 2016

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

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

At the commencement of business at 4.03pm those present were:

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

Councillor Forster and Councillor Vithoukcas arrived at the meeting of the Planning and Development Committee at 4.04pm, during discussion on Item 9.2.

Councillor Vithoukcas left the meeting of the Planning and Development Committee at 5.42pm prior to discussion on Item 9.9, which had been brought forward, and returned at 5.58pm at the conclusion of discussion on that item. Councillor Vithoukcas was not present at, or in sight of, the meeting of Council during discussion or voting on Item 9.9.

Apologies

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

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

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

Carried unanimously.

Adjournment

At 4.22pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Scott -

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

Carried unanimously.

At the resumption of the meeting of the Planning and Development Committee at 5.08pm, those present were:

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

Sub-Committees

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

The Transport, Heritage and Planning Sub-Committee, with Councillor Mant as Deputy Chair, commenced at 4.04pm.

The Major Development Assessment Sub-Committee, with Councillor Kok as Deputy Chair, commenced at 5.08pm.

The Development Assessment Sub-Committee, with Councillor Mant as Deputy Chair, commenced at 6.13pm.

Order of Business

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

1. Disclosures of Interest
2. Traffic Treatment – Permanent Road Closure – Skittle Lane Sydney
4. Public Exhibition – Gazcorp Site – Green Square - Planning Proposal and Draft Amendment to Sydney Development Control Plan 2012
5. Public Exhibition – Planning Proposal – Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 – August 2016
6. Fire Safety Reports
3. Post Exhibition – Amendment to Sydney Local Environmental Plan 2012 – Rezoning of Sites in Pyrmont
8. Development Application: 62 and 64-66 Gordon Street Paddington
9. Development Application: 651 George Street Haymarket
7. Development Application: 9 Power Avenue Alexandria
10. Development Application: 29-31 Dunning Avenue Rosebery
13. Development Application: 79A Wells Street Redfern
11. Development Application: 105-115 Portman Street Zetland
12. Development Application: 68 Surrey Street Darlinghurst
14. Development Application: 71 Victoria Street Potts Point
15. Development Application: 186-188 Victoria Street Potts Point

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 6.14pm.

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 Major Development Assessment Sub-Committee, Councillor Angela Vithoukas disclosed a less than significant, non-pecuniary interest in Item 9.9 on the agenda in that she has met socially several times one of the owners of the site, the subject of the development. Councillor Vithoukas stated that she would not be present for discussion or voting on Item 9.9.

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

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

Report of the Transport, Heritage and Planning Sub-Committee

Moved by Councillor Mant, seconded by Councillor Kok -

That the report of the Transport, Heritage and Planning Sub-Committee of its meeting of 9 August 2016 be received, with Item 9.1 being noted, the recommendations set out below for Items 9.2 to 9.4 inclusive and 9.6 being adopted, and Item 9.5 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 – PERMANENT ROAD CLOSURE – SKITTLE LANE SYDNEY (S124016)

It is resolved that Council approve the permanent road closure of Skittle Lane, Sydney, to vehicular traffic from a point 10.7 metres north of King Street.

Carried unanimously.

ITEM 9.3

POST EXHIBITION - AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - REZONING OF SITES IN PYRMONT (X000023)

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 – Rezoning of Sites in Pyrmont, as detailed in the subject report;
- (B) Council approve the Planning Proposal: Sydney Local Environmental Plan 2012 – Rezoning of Sites in 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; and
- (C) authority be delegated to the Chief Executive Officer to make any minor changes to the Planning Proposal: Sydney Local Environmental Plan 2012 - Rezoning of sites in Pyrmont to correct any drafting errors prior to finalisation of the local environmental plan.

Carried unanimously.

ITEM 9.4**PUBLIC EXHIBITION - GAZCORP SITE – GREEN SQUARE - PLANNING PROPOSAL AND DRAFT AMENDMENT TO SYDNEY DEVELOPMENT CONTROL PLAN 2012 (S116061)**

It is resolved that:

- (A) Council approve Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria), 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: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council approve Draft Sydney Development Control Plan 2012 – Gazcorp Site Amendment, shown at Attachment B to the subject report, for public exhibition in parallel with the Planning Proposal and in accordance with the Gateway Determination;
- (D) Council seek authority from the Greater Sydney Commission to exercise its delegation under section 59 of the Environmental Planning and Assessment Act 1979 to make the amending local environmental plan;
- (E) authority be delegated to the Chief Executive Officer to make any minor changes and any changes required by the Greater Sydney Commission to Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria) and Draft Sydney Development Control Plan 2012 – Gazcorp Site Amendment prior to the public exhibition; and
- (F) Council note that, following consideration of any submissions, and any modifications as necessary, Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria) and Draft Sydney Development Control Plan 2012 – Gazcorp Site Amendment will be reported back to Council for final approval.

Carried unanimously.

Speakers

Mr Ben Craig addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.4.

ITEM 9.5**PUBLIC EXHIBITION - PLANNING PROPOSAL - HOUSEKEEPING AND MINOR POLICY AMENDMENTS TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – AUGUST 2016 (X006012)**

It is resolved that:

- (A) Council approve the Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 – August 2016, 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 the Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 – August 2016 for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway determination;
- (C) Council seek confirmation from the Minister or the Greater Sydney Commission whether it has the delegation to exercise the plan making functions of the Greater Sydney Commission under section 59 of the Environmental Planning and Assessment Act 1979 to make the amending local environmental plan; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 – August 2016 following receipt of the Gateway Determination and prior to public exhibition.

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

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

It is resolved that:

- (A) Council approve the revised Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016, as shown at Attachment A to the Memo dated 15 August 2016 from the Director City Planning, Development and Transport, circulated prior to the meeting of Council, for submission to the Greater Sydney Commission with a request for a Gateway determination;
- (B) Council approve the revised Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016, as shown at Attachment A to the Memo dated 15 August 2016 from the Director City Planning, Development and Transport, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway determination;
- (C) Council seek confirmation from the Minister or the Greater Sydney Commission whether it has the delegation to exercise the plan making functions of the Greater Sydney Commission under section 59 of the Environmental Planning and Assessment Act 1979 to make the amending local environmental plan; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016, following receipt of the Gateway Determination and prior to public exhibition.

Carried unanimously.

ITEM 9.6**FIRE SAFETY REPORTS (S105001)**

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to D to the subject report;
- (C) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 414-418 Pitt Street, Haymarket, as detailed in Attachment B;
- (D) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 252-254 Pitt Street, Sydney, as detailed in Attachment C; and
- (E) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 112 Campbell Street, Surry Hills, as detailed in Attachment D.

Carried unanimously.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kok, seconded by Councillor Forster -

That the report of the Major Development Assessment Sub-Committee of its meeting of 9 August 2016 be received, with the recommendations set out below for Items 9.7, 9.8 and 9.10 to 9.13 inclusive being adopted, and Item 9.9 being dealt with as shown immediately following that item.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

ITEM 9.7**DEVELOPMENT APPLICATION: 9 POWER AVENUE ALEXANDRIA (D/2016/631)**

It is resolved that Development Application No. D/2016/631 be refused for the following reasons:

- (1) **State Environmental Planning Policy 65: Design Quality of Residential Flat Development**
 - (a) Due to its unacceptable bulk and scale, the proposal does not perform acceptably in relation to the design quality principles provided at Clauses 9 (Context), 10 (Scale), 11 (Built Form), 12 (Density), and 18 (Aesthetics) of State Environmental Planning Policy 65: Design Quality of Residential Flat Development.

- (b) Due to adverse impacts on amenity, the proposal does not perform acceptably in relation to the design quality principle provided at Clause 15 (Amenity) of State Environmental Planning Policy 65: Design Quality of Residential Flat Development.

(2) Contravention of Development Standard – FSR

The proposed variation to the Development Standard for FSR sought in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012 (SLEP 2012) is not supported. This is because compliance with the Standard is considered to be reasonable and necessary and the proposal will have unacceptable impacts on the amenity of the surrounding properties, the appearance of the streetscape, the proposal's relationship with the surrounding development, and the amenity of the dwellings within the development itself.

(3) Contravention of Development Standard – Height

The proposed variation to the Development Standard for height sought in accordance with Clause 4.6 of the SLEP 2012 is not supported. The proposed height non-compliance is a result of the excessive amount of floor space proposed. The applicant has failed to demonstrate that there are sufficient environmental planning grounds to justify the non-compliance and that the non-compliance results in a better streetscape outcome than a compliant proposal. Compliance with the standard is considered to be reasonable and necessary in this instance.

(4) Amenity

The proposal fails to provide at least 70% of apartments with the minimum requirement for solar access between 9am and 3pm in mid-winter, fails to provide at least 60% of apartments with natural cross ventilation, fails to provide the required amount of communal open space equating to 25% of the site area and fails to provide private open space of adequate size, and therefore does not comply with the requirements of Section 4.2.3 of Sydney Development Control Plan 2012 (Sydney DCP 2012) and the Apartment Design Guide.

(5) Desired future character

The Power Avenue boundary of the site is identified as requiring an active frontage by the Sydney DCP 2012. More than half of the proposed Power Avenue elevation is a blank facade for three of the proposed floors. This arrangement provides little to no activation of the public domain and is contrary to the provisions of section 3.2.3 of the Sydney DCP 2012.

(6) Design Excellence

Having regard to the above matters, the proposal fails to exhibit design excellence in accordance with Clause 6.21 of Sydney Local Environmental Plan 2012, as it does not achieve a high standard of architectural design, material and detailing appropriate to the site and surrounding context, and fails to address adverse impacts on amenity.

Carried unanimously.

ITEM 9.8**DEVELOPMENT APPLICATION: 62 AND 64-66 GORDON STREET PADDINGTON (D/2016/412)**

It is resolved that:

- (A) pursuant to Clause 4.6 of Sydney Local Environmental Plan 2012, Council grant a variation to the Height development standard; and
- (B) consent be granted to Development Application No. D/2016/412, subject to the following conditions:

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2016/412 dated 7 April 2016 and the following drawings:

Drawing Number	Architect	Date
DA001 Issue A	Thomson Adsett	25/2/16
DA010 Issue A	Thomson Adsett	31/3/16
DA011 Issue A	Thomson Adsett	31/3/16
DA100 Issue A	Thomson Adsett	25/2/16
DA101 Issue B	Thomson Adsett	14/6/16
DA102 Issue B	Thomson Adsett	14/6/16

Drawing Number	Architect	Date
DA103 Issue A	Thomson Adsett	25/2/16
DA200 Issue B	Thomson Adsett	14/6/16
DA201 Issue A	Thomson Adsett	25/2/16
DA202 Issue A	Thomson Adsett	25/2/16

and as amended by the conditions of this consent.

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

(2) 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) Experienced tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (e) New services are to be installed with minimum intervention to significant fabric and spaces.
- (f) The face brickwork must not be rendered, painted or coated.

(3) MATERIALS FOR MAKING GOOD

All new internal and external finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.

(4) USE OF HERITAGE CONSULTANT

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The 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, demolition and change. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) The heritage consultant architect is to inspect and advise on managing the implementation of the heritage conditions of the approval during the programme of works.
- (c) Evidence and details of the above commission on the above terms is to be provided to Council prior to the issue of a construction certificate being issue or commencement of work on site, whichever is the earliest.
- (d) The heritage consultant must sign off the completed project and submit a final report for approval by Council's Urban Design and Heritage Manager, prior to the issue of an Occupation Certificate. This report is to specify how the heritage conditions are satisfied, and outline the heritage advice given throughout the project, the decisions made during the project on heritage matters and on the completed works.

(5) 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.

(6) 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.

(7) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

Prior to a Construction Certificate being issued, an archival photographic recording of the main school building, amenities building and the site is to be prepared to the satisfaction of Council's Urban Design and Heritage Manager.

The form of the recording is to be as follows:

- (a) It is to be in a digital format;
- (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, and the development application number;
- (c) Each digital image is to be cross referenced to an index table and a location plan;
- (d) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included; and
- (e) Include a CD, DVD or USB disc containing the report in PDF format and the electronic images saved as JPEG, TIFF or PDF files and cross referenced to an index table and a location plan.

(8) BRIEFING OF CONTRACTORS AND SUBCONTRACTORS

All contractors and subcontractors involved in the construction works are to be briefed on the heritage significance of the existing building on site prior to the work commencing. This is to form part of the on-site induction programme for all workers on the site.

(9) GROUND FLOOR FOYER – FRENCH DOORS

The existing French doors to the ground floor foyer of the main school building are to be retained in-situ. They can be locked when access through them is not required.

(10) DOOR AND WINDOW OPENINGS

The walls in-between the door and window openings on the first and second floors along the north-eastern facade are to be retained to allow the location of the original openings to remain legible.

(11) DETAILING OF ORIGINAL FABRIC

Careful detailing is to be undertaken throughout the development where new fabric is proposed to adjoin significant fabric so as to avoid adverse impacts on the significant fabric to be retained.

(12) TREE PROTECTION DURING CONSTRUCTION

- (a) All trees must be retained protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.
- (b) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 5 metres of the trunk of any tree to be retained.
- (c) Excavation must not occur within 5 metres of the trunk any tree. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.

(13) TREE PRUNING SPECIFICATIONS

The consent from Council must be obtained prior to the undertaking of any tree pruning works, including street trees and tree roots greater than 40mm in diameter. Only minor pruning works will be approved by Council.

(14) USE OF NO. 62 GORDON STREET

- (a) The use of No. 62 Gordon Street ancillary to the educational establishment (school) is permitted for a period of 12 months from the date the consent.
- (b) No. 62 Gordon Street shall be only used ancillary to the educational establishment (school), which adjoins the site to the south west.
- (c) No consent is granted for use of the property as a commercial premises, as per the definition in Sydney Local Environmental Plan 2012.

(15) EXTERNAL LIGHTING

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

(16) REMOVAL OF DEMOUNTABLE BUILDING

The two storey demountable building located in the northern corner of the site is to be removed upon obtaining any Occupation Certificate for the approved development.

(17) 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".

(18) COST OF SIGNPOSTING

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

(19) 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.

SCHEDULE 1B**Prior to Construction Certification/Commencement of Work/Health and Building****(20) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE BUILDING IS REQUIRED**

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 an assessment of the development proposal has been undertaken and:

- (a) As more than 50 percent of the volume of the school buildings at No. 64-66 Gordon Street are proposed to be altered or has been altered over the previous 3 year period; and/or
- (b) The measures contained in the building are inadequate to protect persons using the building and to facilitate their egress from the building in the event of fire, or to restrict the spread of fire from the building to other buildings nearby,

It has been determined that the whole building must be brought into total conformity with the Building Code of Australia. Prior to a Construction Certificate being issued the Certifying Authority must ensure that the whole building is brought into conformity with the Building Code of Australia by complying with Clause A0.4 of the BCA.

(21) BCA COMPLIANCE - CHANGE OF USE/CLASSIFICATION (NO BUILDING WORK PROPOSED)

- (a) Pursuant to Clause 93 of the Environmental Planning and Assessment Regulation 2000, the building at No. 62 Gordon Street must comply with any conditions of this consent relating to fire protection (Category 1 fire safety provisions) and structural adequacy as required by Clause 143 of the Regulation. Prior to a Construction Certificate / an Occupation Certificate being issued for the new use, the Certifying Authority must ensure that the building complies with the following provisions by achieving compliance with Clause A0.4 of the Building Code of Australia:

Note: The obligation under the above condition to comply with the Category 1 fire safety provisions * may require building work to be carried out even though none is proposed or required in this consent. A Construction Certificate must therefore be obtained prior to work commencing for any building work required to be undertaken.

* Category 1 fire safety provisions are the following provisions of the Building Code of Australia, namely, EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and EP3.2 in Volume One of the Code and P2.3.2 in Volume Two of the Code.

(22) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(23) ALIGNMENT LEVELS – MINOR DEVELOPMENT

- (a) Where ground floor levels of existing buildings are being retained, alignment levels for the buildings and site frontages of those buildings must be submitted to and approved by Council prior to a Construction Certificate being issued for public domain works or above ground building works, whichever is earlier. The submission must be prepared by a Registered Surveyor or suitably qualified engineer 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).
- (b) If a Public Domain Plan condition applies to the development consent 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.

(24) 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.

(25) 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).

(26) 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.

(27) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

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

- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (f) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and

- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
 - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
 - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
 - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

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

(28) 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.

(29) PROTECTION OF STONE KERBS

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

- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(30) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 10.5 lineal metres of concrete at Watson Street site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(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.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(32) 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.

(33) ENCROACHMENTS – PUBLIC WAY

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

(34) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(35) 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.

(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, 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.

(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) 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.

(40) 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.

(41) 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.

(42) 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.

(43) 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.

(44) 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.

(45) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

(46) WASTE AND RECYCLING MANAGEMENT

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.

(47) 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.

(48) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

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

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

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

(50) 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).

(51) 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).

(52) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;

- (d) The approved hours of work, the Principal Certifying Authority including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.

SCHEDULE 2

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

Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

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

Carried unanimously.

Speakers

Mr Luke Minion, Mr Gerhard Labuschagne and Mr Daniel Smith addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.8.

ITEM 9.9

DEVELOPMENT APPLICATION: 651 GEORGE STREET HAYMARKET (D/2015/1758)

It is resolved that Development Application No. D/2015/1758 be refused for the following reasons:

- (1) The proposal does not adequately provide for future flexible commercial reuse or satisfactory residential amenity for the future occupants of the building in terms of building depth, floor to floor and ceiling heights, solar access, natural ventilation, apartment layout, circulation space and private open space. The proposal is therefore contrary to and fails to satisfy:
 - (a) The aims in Clause 2(3)(a), (d) and (e) of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development relating to sustainability and amenity.
 - (b) The design quality principles 3, 4, and 6 in Schedule 1 of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development relating to density, sustainability and amenity.
 - (c) The provisions and objectives of 2E, 4A, 4B, 4C, 4D and 4E of the Apartment Design Guide relating to building depth, solar access, ceiling heights, apartment layout and balconies.

- (d) The aims in Clause 1.2(2)(c), (h) and (j) of the Sydney Local Environmental Plan 2012 relating to ecologically sustainable development, amenity and design excellence.
 - (e) The provisions of Clause 6.21(4)(d)(i) and (d)(vii) of the Sydney Local Environmental Plan 2012 relating to the suitability of the site for the development and environmental impacts.
 - (f) The provisions of Sections 4.2.1.2(1) and 4.2.3.3 of the Sydney Development Control Plan 2012 relating to basement floor to floor heights and internal common areas.
- (2) The proposal does not adequately respond to the context of the surrounding locality by providing clear detail on the resolution of the treatment of the street-front and exposed side building facades. The proposal is therefore contrary to and fails to satisfy:
- (a) The aim in Clause 2(3)(b) of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development relating to built form and building aesthetics.
 - (b) The design quality principles 1, 2, and 9 in Schedule 1 of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development relating to context, built form and scale and aesthetics.
 - (c) The aim in Clause 1.2(2)(j) of the Sydney Local Environmental Plan 2012 relating to design excellence.
 - (d) The provisions of Clause 6.21(4)(a), (d)(iii), (d)(v) and (d)(xi) of the Sydney Local Environmental Plan 2012 relating to high standards of architectural design, materials and detailing, streetscape constraints, modulation of buildings and impacts on the Haymarket/Chinatown Special Character Area.
 - (e) The provisions of Sections 2.1.3 and 5.1.6 of the Sydney Development Control Plan 2012 relating to the Haymarket/Chinatown Special Character Area and building exteriors.
- (3) The proposal is located adjacent to the Sydney Light Rail Corridor and above the Central Business District Rail Link Corridor and proposes residential uses, but provides insufficient detail on measures addressing rail noise impacts in accordance with the State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning 'Development near Rail Corridors and Busy Roads – Interim Guideline'. The proposal is therefore contrary to and fails to satisfy:
- (a) The aim in Clause 2(e) of the State Environmental Planning Policy (Infrastructure) 2007 relating to matters for consideration in development assessment.
 - (b) The provisions of Clause 87(2) and (3) of the State Environmental Planning Policy (Infrastructure) 2007 relating to consideration of the guidelines and acoustic mitigation measures.

- (c) The provisions of 3.7.2, 3.8.2, 3.8.4, 3.8.6, 5.1.3 and 6.5.1 of the Development Near Rail Corridors and Busy Roads – Interim Guideline relating to acoustic assessment, building location, design orientation and room layout, podiums, balconies, building treatments, survey information and general assessment requirements.
 - (d) The provisions of Sections 4.2.5(1) and (7) of the Sydney Development Control Plan 2012 relating to acoustic assessment and requirements for development on active frontages.
- (4) The proposal provides poor internal amenity and does not minimise the potential for adverse impacts upon the streetscape and locality. The proposal is therefore contrary to and fails to satisfy:
- (a) The provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979, relating to the likely impacts of the development, including environmental impacts on the built environment in the locality.
 - (b) The provisions of Section 79(1)(c) of the Environmental Planning and Assessment Act, 1979, relating to the suitability of the site for the development.

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

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

Carried unanimously.

Speakers

Mr Kirk Osborne and Mr Tone Wheeler addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.9.

ITEM 9.10

DEVELOPMENT APPLICATION: 29-31 DUNNING AVENUE ROSEBERY (D/2016/77)

It is resolved that:

- (A) the variation to Clause 4.3 Height of Buildings in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012 be supported;
- (B) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2016/77, following the end of the public exhibition of a planning agreement and consideration of any submissions;
- (C) if the CEO determines to approve the application, then consideration be given to granting a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Part A below; and
- (D) in determining the application, the CEO consider the draft conditions of consent, as shown in Part A and Part B below, and any other relevant conditions.

SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

PART A - DEFERRED COMMENCEMENT CONDITIONS

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

(1) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and ANTEROS DEVELOPMENTS shall be executed and submitted to Council; and
 - (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and
 - (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land; and
 - (d) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement.
- evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
 - the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
 - upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B - Conditions of Consent (Once the Consent is in Operation) of the subject report, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

Carried unanimously.

ITEM 9.11**DEVELOPMENT APPLICATION: 105-115 PORTMAN STREET ZETLAND (D/2015/688)**

It is resolved that:

- (A) Council support the variation sought to Clause 27KF 'Gross Floor Area and Land Use Mix' in Part 4 'Special Provisions', Division 2A 'Green Square Town Centre' of the South Sydney Local Environmental Plan 1998 in accordance with State Environmental Planning Policy No. 1 – Development Standards;

- (B) Council support the variation sought to Clause 27KG 'Maximum Height' in Part 4 'Special Provisions', Division 2A 'Green Square Town Centre' of the South Sydney Local Environmental Plan 1998 in accordance with State Environmental Planning Policy No. 1 – Development Standards; and
- (C) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/688, subject to the following conditions:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(1) DESIGN MODIFICATIONS

The design must be amended as follows:

- (a) The southernmost apartment in the south-west pod, on Levels 2 to 13, is to be converted from a two-bedroom apartment to a one-bedroom apartment. The area fronting on to the lightwell is to be allocated as a non-habitable room, such as a bathroom, laundry, or storage room;
- (b) The residential Gross Floor Area provided on the site is to be reduced by at least 70.9m²; the reduction is to be taken from one or more apartments and not communal floor space;
- (c) Mailboxes are to be shown on the plans and located within a secure internal area to prevent mail box theft and fraud. Preference should be given to locating the mailboxes in the vicinity of the concierge desk;
- (d) All rooftop plant is to be appropriately screened and covered. Details of the screening to roof-top plant, including external colours and finishes, is to be provided;
- (e) The plans are to be updated to show the location and design of any proposed fire hydrants and booster valves;
- (f) A 700mm wide landscape strip is to be provided at the frontage of the ground floor commercial premises fronting Hinchcliffe Street;
- (g) The disabled access ramp is to be relocated so that it occupies the space between the two building columns located north of the residential lobby fronting Hinchcliffe Street, and is located behind the landscape strip required in Condition (1)(f) above (excluding entry to the ramp);
- (h) Habitable rooms on the ground floor are to have a sill height that is 850mm (minimum) above the finished floor level (FFL);
- (i) The proposed glass balustrades for the ground floor decks of the residential apartments are not approved, and are to be replaced with a predominantly open steel palisade balustrades; and

- (j) An open contemporary steel palisade fence up to a maximum of 1.35m high is to be located on the site boundary at the frontage of the ground floor residential dwellings on Hinchcliffe Street.

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.

- (D) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of this determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979;
- (E) 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
- (F) 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)

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

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/688 dated 22 May 2015 and the following drawings:

Drawing Number	Architect	Date
DA_101 Revision 4	McNally Architects and Sissons Architects	24.05.16

Drawing Number	Architect	Date
DA_102 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA_103 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA_104 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA_109 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA_110 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA_112 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA_113 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA_114 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA_125 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA_126 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA_127 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA200 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA201 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA202 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA203 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA204 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA205 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA300 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA301 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA302 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA303 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA304 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA305 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA306 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA307 Revision 4	McNally Architects and Sissons Architects	24.05.16

Drawing Number	Architect	Date
DA308 Revision 4	McNally Architects and Sissons Architects	24.05.16
DA505 Revision 3	McNally Architects and Sissons Architects	24.05.16
Facade Materials	McNally Architects and Sissons Architects	February 2015

and as amended by the conditions of this consent.

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

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$293,143.84
Public Domain	\$180,559.70
New Open Space	\$1,406,879.58
New Roads	\$357,307.73
Accessibility	\$14,819.67
Management	\$16,023.48
Total	\$2,268,734.00

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

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

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being 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 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) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - PAYMENT OF MONEY IN LIEU OF FLOOR SPACE

In accordance with Clause 27P South Sydney Local Environmental Plan 1998 (as amended) and prior to a Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$3,156,139.50 based on the in lieu monetary contribution rate for non-residential development at \$68.66 per square metre of total non-residential floor area 262sqm, and for residential development at \$206.06 per square metre of total residential floor area 15,315sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2016 to 28 February 2017, the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:

(a) Applicants have two payment options:

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

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

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

- (b) Applicants are made aware that the contribution amount quoted in this condition may not be final and that a correct indexed affordable housing contribution amount can be obtained from the relevant Form A, B or C at time of payment.
- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment = $C \times \text{HPI2} / \text{HPI1}$, where:
- (i) C is the original contribution amount as shown above;
 - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
 - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent being 1 March 2016 to 28 February 2017.

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

If the Total Floor Area is adjusted following the satisfaction of Deferred Commencement Condition (1) in Part A, then the Affordable Housing Contribution Condition can be amended by way of a Section 96(1) application.

(4) MATTERS NOT APPROVED

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

- (a) Any development involving the basement outside of the Site 9A boundary, including under Hinchcliffe Street.

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

(5) MATERIALS AND SAMPLES BOARD

- (a) The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by McNally and Sissons Architects dated February 2015.
- (b) A final 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.

(6) REFLECTIVITY

All recommendations contained in the Reflectivity Report prepared by Windtech, dated 10 June 2016, ref WC279-02F02(REV0)- SR REPORT, titled 'Solar Light Reflectivity Analysis, Site 9A, 105-115 Portman Rd, Zetland (Council Ref 2016/319059) must be implemented and implemented into the design drawings to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate. Specifically:

- (a) A maximum normal specular reflectance of visible light of 11% for the glazing used on the 7° aspect of the main building facade. This recommendation applies to all levels of the development.
- (b) A maximum normal specular reflectance of visible light of 11% for the glazing used on the 97° aspect of the main building facade. This recommendation applies to the northern half of Levels 0 to 7 of this aspect where there are glazed surfaces which are not directly behind a sun shade/privacy screen.
- (c) A maximum normal specular reflectance of visible light of 8% for the glazing used on the balustrades on the 97° aspect of the development. This recommendation applies to the balustrades on the northern half of Levels 0 to 7 of this aspect where there are glazed surfaces which are not directly behind a sun shade/privacy screen.

- (d) All other glazing have a maximum normal specular reflectance of visible light of 20%.

(7) VOLUNTARY PLANNING AGREEMENT

The development must be carried out in accordance with all of the obligations referenced within the Voluntary Planning Agreement (Council's Reference S108221) executed on 25 November 2014 and entered into by BridgeHill (Zetland) Pty Ltd, Waverley Council and the City of Sydney.

(8) DESIGN QUALITY EXCELLENCE

- (a) As the proposal has been awarded bonus floor space for achieving design excellence and in order to ensure the design quality excellence of the development is retained to completion:
 - (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - (ii) The design architect is to have full access to the site and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project; and
 - (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director City Planning, Development and Transport.

(9) APPROVED DESIGN ROOF - TOP PLANT

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

(10) BUILDING HEIGHT

- (a) The height of the building must not exceed RL65.95 to the roof, and RL 67.7 (AHD) to the top of the building, including lift overrun and parapet.
- (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.

(11) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the commercial use must not exceed 0.180:1 and the residential use must not exceed 8.608:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the commercial component is 230m², the Gross Floor Area of the residential component is 10,984.1m², and the total Gross Floor Area is 11,214.1m².
- (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 (Green Square Town Centre – Stage 2) 2013, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(12) ALLOCATION FOR VISITOR PARKING

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

All spaces must be clearly marked 'visitor' prior to the issue of an occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

(13) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(14) 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
Accessible residential spaces	29
Car share parking	1
Motorcycle parking	28
Residential service vehicle spaces	3
Commercial service vehicle spaces	1
Small Rigid Vehicle loading docks – designed to accommodate a 9.25m council waste vehicle	1

Notes:

- (a) Australian Standards require the dimensions of a motorcycle space to be 1.2m x 2.5m.
- (b) Vehicle access for collection and loading will provide for:

- (i) a 9.25m Council garbage truck and a small rigid delivery vehicle;
- (ii) minimum vertical clearance of 4.0 metres for residential development or else 3.8m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle.

(15) ASSOCIATED ROADWAY COSTS

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

(16) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Type	Parking	Number	Requirements
Residential		130	Spaces must be a class 1 bicycle locker or class 2 facilities
Residential visitor		13	Spaces must be Class 3 bicycle rails provided at ground floor level.
Retail staff		7	Spaces must be a class 2 bicycle facilities
Retail visitor		6	Spaces must be Class 3 bicycle rails provided at ground floor level.

Note: A basement storage area on title that is large enough to store a bicycle and is no smaller than a Class 1 bicycle locker can be counted as a bicycle parking space.

- (b) Australian Standard AS 2890.3:2015 refers to class 1 as class 'A', class 2 as class 'B', and class 3 as class 'C'.
- (c) 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 confirming prior to the Construction Certificate being issued.
- (d) The layout, design and security of bicycle facilities must comply with the minimum requirements of Council's DCP2012. This includes:
 - (i) Section 3.11.3 (6a), access to bike parking areas are to be a minimum of 1.8m wide to allow a pedestrian and a person on a bike to pass each.

- (ii) Section 3.11.3 (4a), where bike parking for tenants is provided in a basement, it is to be located on the uppermost level of the basement.
- (e) All visitor bicycle parking is to be provided at ground floor level in a highly visible and easily accessible location. Some visitor bicycle parking should be provided in close proximity to each main lobby area. Visitor bicycle parking is not to be located in the car parking area.
- (f) All resident bicycle parking for Building 'A' occupants (139 spaces) is to be located within the Building A footprint in the form of either class 1 or class 2 facilities.

(17) 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 changes 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: The applicant should contact Council's Area Traffic Engineer to discuss the proposal before making a submission.

(18) COST OF SIGNPOSTING

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

(19) INTERCOM FOR VISITORS

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

(20) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with 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.

(21) PARKING DESIGN

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

(22) 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.

(23) 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.

(24) SECURITY GATES

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

(25) SIGNS AT EGRESS

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

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

(26) 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.

(27) VEHICLES AWAITING REPAIR

At all times vehicles awaiting repair, undergoing repair or awaiting collection after repair must stand entirely within the property.

(28) GREEN TRAVEL PLAN

A Green Travel Plan is to be prepared for the subject site. It is recommended that the Applicant work with the adjacent site (Site 9A) to develop a Travel Plan that is applicable to both Sites 9A and 9B.

A Green Travel Plan must be submitted to and approved by Council prior to the Construction Certificate for the site/use being granted.

The applicant review information on Council's website about preparing Travel Plans in accordance with these guidelines. This would include steps which address customer and staff transport patterns by providing mode share targets which promote sustainable travel behaviour, means of minimising travel demand by private car and maximise the share of travel by other modes including public transport, cycling, walking, carpooling or car share.

A Travel Plan is a 'live' document that needs to be closely monitored and reviewed throughout the first few years of implementation. The Travel Plan Coordinator responsibilities include:

- (a) Coordinating implementation efforts,
- (b) Conducting surveys or other data collection processes to measure progress;
- (c) Communicating the travel plan to stakeholders;
- (d) Coordinating events to promote awareness of the plan and associated invites;
- (e) Coordinating marking and promotional programs.

The steps outlined above should not be considered as a linear process, but rather an on-going cycle. Travel planning requires regular review and adjustment – a review may reveal the need to reconsider objectives or targets, or to add new actions to create greater incentives for the uptake of sustainable transport choices.

Note: It is recommended the applicant review information on Council's website about preparing Travel Plans. The applicant may also contact a member of the Transport and Access Unit, to discuss the Green Travel Plan prior to its submission.

(29) CAR SHARE SPACES

- (a) Car share spaces for the exclusive use of car share scheme vehicles are to be provided. A revised basement plan showing these spaces must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the Construction Certificate being issued.

- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be accessible to members of the car share scheme at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

Note: It is recommended that the applicant discuss the proposed location of car share parking spaces with car share operators prior to the issue of a construction certificate to ensure the commercial requirements of the operator can be accommodated.

(30) LOADING MANAGEMENT PLAN

A Loading Management Plan is to be submitted to Council and approved, prior to an Occupation Certificate being issued.

The Plan should identify how the loading dock will be managed and used by all retail tenants and residents in all buildings.

The loading dock is also to be available for all residents for use by removal vehicles, bulky good deliveries and similar. This shall be managed either by a schedule showing residents when they can use the dock, or by a register managed on site to allow residents to reserve a time period for their deliveries.

Once approved, this management plan will need to be provided to all tenants, residents and external users of the loading area.

(31) PARKING ON COMMON PROPERTY AREAS

No part of the basement parking circulation areas, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. Any 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.

(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) USE - SEPARATE DA REQUIRED

A separate development application for the fitout and use of each individual retail tenancy must be submitted to and approved by Council prior to that fitout or use commencing, except where the fitout and use is exempt or complying development under an environmental planning instrument or development control plan.

(35) SIGNAGE STRATEGY

A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

(36) CONSTRUCTION LIAISON COMMITTEE

- (a) Prior to the commencement of any work, a Construction Liaison Committee is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and co-operatively.
- (b) The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.
- (c) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the construction process.

- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contact details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.
- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.
- (f) The Committee meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 14 days of the meeting.
- (g) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like.
- (h) The initial call for resident/worker nominations to be sent to the adjacent and adjoining property owners and tenants must be submitted to and approved by the Director City Planning, Development and Transport prior to sending.
- (i) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

(37) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (ground floor to Level 15) 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 South Sydney Local Environmental Plan 1998.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from the "residential use" definition from the relevant instrument above as defined in South Sydney Local Environmental Plan 1998. 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.

(38) RESTRICTION ON USE OF CAR SPACES

The following conditions apply to car parking:

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

(39) NUMBER OF ADULTS PER ROOM

- (a) No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (b) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.

(40) 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.

(41) ALCOVE LIGHTING

Any alcoves on the Botany Road, Geddes Avenue and Hinchcliffe Street frontages 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.

(42) UNDER AWNING LIGHTING

Illumination from the under awning lighting, when measured from any place in the public domain, must comply with the following:

- (a) the horizontal luminance level must not exceed 200 lux (including reflectivity from exterior finishes). The lux level may be increased to 220 lux in some areas in Central Sydney CBD;
- (b) the horizontal illuminance uniformity ratio (E_{avg}/E_{min}) must not exceed 4:1 to ensure safe movement of pedestrians;
- (c) the intensity, colour, period of intermittency and hours of illumination must be varied if, at any time in the opinion of the Council, adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting is being caused to the amenity of the area;
- (d) where nearby residents are located above the level of the under awning lighting, details are to be provided to show that light is not directed upwards toward such residences; and
- (e) batten type fluorescent lighting is not permitted to be used for under awning lighting.

(43) USE OF COMMON AREAS AND FACILITIES

The music room, roof top terrace, and communal areas on Level 14 and 15 must be available for the use all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(44) 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 Residential Flat Design Code must be met.

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

(45) PUBLIC ART

A Public Art Strategy must be submitted to and approved by Council's Area Planning Manager prior to issue of a Construction Certificate. The public artwork must be in accordance with the Green Square Town Centre DCP 2012 and the Public Art Policy. Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.

(46) 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".

(47) USE OF INTRUSIVE APPLIANCES

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

As a minimum, the report must specify:

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

(48) 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 Renzo Tonin & Associates, dated 14 June 2016, ref TG704-01F04 (r2) Acoustic Report for DA site 9A, titled Stage 9A, Portman St Apartments Zetland (Council Ref 2016/319066) 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 Renzo Tonin & Associates, dated 14 June 2016, ref TG704-01F04 (r2) Acoustic Report for DA site 9A, titled Stage 9A, Portman St Apartments Zetland (Council Ref 2016/319066).

- (c) Prior to the issue of an Occupation Certificate, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the South Area Planning Manager that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

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

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

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

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

- (a) Identification of noise sensitive receivers near to the site.
- (b) The proposed hours of all construction and work on the development including building / demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc.), in connection with the proposed development.
- (c) 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 7.00am 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.
- (d) 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.
- (e) 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.

- (f) 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.
- (g) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (h) 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.
- (i) 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.

(50) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the approved Demolition, Excavation and Construction Noise & Vibration Management Plan.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the City of Sydney Construction Hours / Noise Code of Practice 1992, and the works are giving rise to substantiated complaints, then process for variation to the approval will be as follows:
 - (i) The contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit.
 - (ii) Approval to vary the authorised noise and vibration levels must be sought from, and then approved by, Council's Area Planning Manager to their satisfaction prior to activities being undertaken that exceed sanctioned emission levels.
 - (iii) This, and any variation to the above approved process will be in accordance with the terms and process given in condition Use Of Intrusive Appliances.

(51) 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.

COMMONWEALTH DEPARTMENT OF INFRASTRUCTURE AND REGIONAL DEVELOPMENT CONDITIONS**(52) HEIGHT**

The building must not exceed a maximum height of 67.7 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues, etc.

At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.

(53) SEPARATE APPROVAL FOR CRANES

Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations, therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

RMS CONDITIONS**(54) NO ENCROACHMENTS**

All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property - site 9A (unlimited in height or depth), along the Botany Road boundary.

(55) CAR PARKING LAYOUT

The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2- 2002 for heavy vehicle usage.

(56) AUSGRID REQUIREMENTS

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

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

- (a) Changes in electrical load requirements.
- (b) Changes to Ausgrid's infrastructure (ie. asset relocations, decommissioning substations etc.).
- (c) Works affecting Ausgrid's easements, leases and/ or right of ways.

- (d) Changing the gradients of any roads or paths.
- (e) Changing the level of roads or foot paths.
- (f) Widening or narrowing of roads.
- (g) Closing roads or laneways to vehicles.
- (h) In all cases Ausgrid is to have 24 hour access to all its assets.

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

(57) SYDNEY WATER REQUIREMENTS

- (a) Sydney Water Servicing

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

Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or phone 13 20 92.

- (b) Building Plan Approval

You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).

(58) NSW POLICE REQUIREMENTS

The following crime prevention conditions are recommended by NSW Police:

- (a) Building management should register the CCTV cameras with the CCTV register on the NSW Police website to enable police to gain contact details for the person responsible;
- (b) Lighting should be vandal-resistant within all publicly accessible areas of the site;
- (c) Automatic sensor lights should be installed in the basement and end-of-trip facilities to enable a user to know whether another person is already in the room;

- (d) A key holder should be nominated and their contact details to be given to police to aid emergency services to gain entry;
- (e) Access to the car park, units and communal areas should be via swipe/card/key system. Swipe cards should have tracking ability to see which resident or retail tenant has accessed the communal areas;
- (f) Appropriate directional signage within the development site should be installed to assist wayfinding to lobbies, car park entries, common areas, etc.

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.

(59) 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.

(60) 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.

(61) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(62) 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.

(63) 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.

(64) 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.

(65) 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

(66) 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.

(67) 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.

(68) ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any demolition and remedial works an Environmental Management Plan (EMP) must be prepared for the site and submitted to the City's Area Planning Manager for written approval prior to the commencement of work. The EMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

All works must be undertaken onsite in accordance with the approved Environmental Management Plan.

(69) LAND REMEDIATION

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Coffey Environments Pty Ltd (Coffey) dated 8 September 2015 and referenced ENAURHOD04461AI-R03 and the Letter of Interim Advice prepared by Melissa Porter 0803 dated 17 September 2015 and referenced AS121875 . All remediation work carried out shall be conducted in accordance with the guidelines in force under the Contaminated Land Management Act 1997.

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

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

(70) 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.

(71) REGISTRATION OF COVENANT

- (a) A covenant shall be registered on the title of the land and a copy of the title submitted to the City's Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate, giving notice of the former land use and contamination of the site and the existence of any remaining encapsulated contaminated material which are subject to ongoing environmental management.
- (b) A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge there from of any contaminants or for any works subsequently required by the NSW Environment Protection Authority

(72) SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN

- (a) Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement (SAS) is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite this must be submitted to and approved by the Site Auditor and the City's Area Planning Manager prior to the issue of the SAS.
- (b) A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge there from of any contaminants or for any works subsequently required by the NSW Environment Protection Authority
- (c) A copy of the revised land title highlighting the covenant must be submitted to the City's Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

(73) COMPLIANCE WITH APPROVED ENVIRONMENTAL MANAGEMENT PLAN

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

(74) 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

(75) HAZARDOUS AND INDUSTRIAL WASTE

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

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

(76) GREASE AND LIQUID WASTE TRAPS

- (a) A grease trap if required by Sydney Water must be installed in accordance with Sydney Water requirements and:
 - (i) Must be installed by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia;
 - (ii) The grease trap must be not be located in any kitchen, food preparation or food storage area;
 - (iii) Be suitably constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and

- (iv) Be suitably constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.
- (b) In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas and must be carried out by a suitably qualified.

(77) HOT WATER SERVICE

The capacity of the hot water service must ensure that a constant supply of hot water is provided to the future food premises at all times for all sinks and basins including hand wash basin/s. The temperature of the hot water provided to the sinks must be in accordance with AS4674 – Design, Construction and Fit-out of Food Premises and the Australia New Zealand Food Standards Code 3.2.2 - Food Safety Practices and general requirements.

(78) SANITARY FACILITIES – FUTURE FOOD PREMISES

The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the Building Code of Australia, Part F 3.1, 4.8 and 4.9.

(79) WASTE STORAGE AREA

- (a) To ensure the adequate storage and collection of waste from the future food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment and comply with the Council Policy for Waste Minimisation in New Developments, and must be:
 - (i) Provided with a hose tap connected to the water supply.
 - (ii) Paved with impervious floor materials.
 - (iii) Coved at the intersection of the floor and walls.
 - (iv) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
 - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the Protection of the Environment Operations Act 1997 or a nuisance.
 - (vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
 - (vii) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.

- (viii) Appropriately managed so that it does not attract pests or create litter.
- (b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate and must be constructed in accordance with such plans and specifications prior to the issuance of an Occupation Certificate.

(80) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

The required operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the proposed partitioning layout.

(81) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

(82) 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.

(83) 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.

(84) 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.
- (d) Where Public Domain works are being designed and/or delivered by the City of Sydney including Geddes Avenue, Hinchcliffe Street and the intersection of Geddes Avenue and Botany Road, the City's approved alignment levels are to be adopted and included in the submission. Adjustment to the approved alignment levels is not permitted except where approved by Council.
- (e) The City's Alignment Level standards are to be implemented in the ground level building setback to the Botany Road frontage. Details of the proposed alignment levels are to be submitted and approved by the City in accordance with part a, b and c of this condition.

(85) 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".

(86) 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).

(87) 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.

(88) 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, Green Square Public Domain Strategy, 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.

(89) 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.

(90) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to 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.

(91) DRAINAGE AND SERVICE PIT LIDS

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

(92) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 6 lineal metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(93) 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.

(94) 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 and clear of the 1.4m footway widening setback area.

(95) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including pillars and walls, and gates and doors during opening and closing operations, shall encroach upon Council's footpath area, and be clear of the 1.4m footway widening setback area.

(96) ESSENTIAL INFRASTRUCTURE CO-ORDINATION

The Public Domain and Essential Infrastructure and Services must be designed and constructed in accordance with the Green Square Town Centre Public Domain Strategy, City's Sydney Streets Technical Specification and the relevant Authorities requirements. The design of these works is to take into account any further refinement of the Essential Infrastructure DA (D/2012/1175) documentation undertaken by the City and as issued in approved Construction Certificates.

(97) PUBLIC DOMAIN AND GROUND LEVEL SETBACK AREA

The design of the developments interface and connection to the surrounding public domain infrastructure must consider the City of Sydney's Public Domain Manual, Green Square Public Domain Strategy, Sydney Streets Design Code and Sydney Streets Technical Specification, Green Square Essential Infrastructure approval (D/2012/1175), and subsequent documentation undertaken by the City and associated Construction Certificates.

Details of the developments interface to the public domain and the ground level setback area with frontage to Botany Road is to form part of the Alignment Level and Public Domain Plan submissions.

The submission must demonstrate that the pallet of paving material, construction details and alignment levels meet the City's Public Domain standards.

Basement areas encroaching under the 1.4m setback on Botany Road must provide sufficient depth of cover. The detail of this construction - above the basement roof slab - must be approved 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.

(98) TEMPORARY ACCESS

Safe accessible access for pedestrian, cyclist and vehicles must be provided to each residential and retail unit. The access must be designed in accordance with Australian Standards, and the principles of the Sydney Streets Design Code, including the provision of adequate lighting, footway widths grades, and the like.

Details of the access, including any temporary works is to be submitted and approved by the Council prior to construction of the public domain works.

The access must be constructed in accordance with the approved plans prior an Occupation Certificate being issued or the use commencing whichever is the earlier.

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

(100) 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.

(101) 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 Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
 - (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
 - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.
 - (v) Details of the soil media/substrate type and depth.
 - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
 - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.

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

(102) LANDSCAPING OF THE SITE

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

- (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(103) LAND 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.

(104) STRATA SUBDIVISION

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

(105) EASEMENTS RELATING TO USE OF ADJOINING PROPERTY

Any subdivision of the site may result in the development utilising facilities outside the site within adjoining properties. In this event, appropriate easements for access and use of those various facilities (such as garbage rooms) must be created over those parts of the adjoining properties that are to be utilised for access and use.

(106) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

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

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

(107) EROSION AND SEDIMENT CONTROL

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

During the construction period:

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

(108) 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).

(109) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

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

- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (f) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:

- a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
- b. reduce the baseline annual pollutant load for total suspended solids by 85%;
- c. reduce the baseline annual pollutant load for total phosphorous by 65%;
- d. reduce the baseline annual pollutant load for total nitrogen by 45%.

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

(110) 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).

(111) 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.

(112) TREES APPROVED FOR REMOVAL

- (a) All existing trees within the boundaries of Site 9A are approved for removal.
- (b) Trees shall not be removed until the Construction Certificate has been issued.

(113) TREES THAT MUST BE RETAINED

The one existing street tree on the Botany Road frontage must be retained and protected throughout the proposed development.

(114) STREET TREE PROTECTION

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

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

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

(115) STREET TREE PRUNING

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

(116) ADVANCE TREE PLANTING

Tree planting within the property must be undertaken in accordance with the following conditions, and to Council's satisfaction, prior to the issuing of the Occupancy Certificate.

- (a) The design must provide a minimum 15% canopy cover across the site within 10 years from the completion of development, provided by trees that will reach a minimum height of eight (8) metres.
- (b) All newly planted trees must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (c) At the time of planting, the container size is to be a minimum of 100 litres and a minimum height of 2.5 metres.
- (d) The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (e) The replacement planting/s must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (f) Written confirmation is to be obtained from Council's Area Planning Manager that all tree planting/s have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.
- (g) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.
- (h) Upon receipt and acceptance that all replacement tree planting/s have been completed to Council's satisfaction, an occupancy certificate will be issued.

(117) 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.

(118) WASTE MANAGEMENT

- (a) Residential or commercial waste and recycling receptacles must be stored on the property at all times and must not be presented on street for collection.
- (b) The developer is to liaise with Council's Waste Services for the installation of a compatible (GAR) key system to allow for the City's staff to collect waste and recycling receptacles directly from the nominated refuse storage room.
- (c) A minimum area of 8m³ for discarded bulky items must be provided.

- (d) The nominated waste and recycling storage rooms must be constructed to meet the relevant conditions within the City's Policy for Waste Minimisation in New Developments (2005).
- (e) Commercial waste agreements must be in place prior to any commercial businesses trading
- (f) Clearance height for access by collection vehicle must be no less than 4.0m at any point if vehicle is required to enter site to service bins.
- (g) Unimpeded access shall be provided for collection vehicles between 6am and 6pm on collection days.
- (h) Waste and recycling containers will not be supplied until construction in developments is completed unless otherwise organised with Waste Services.
- (i) The development must have a residential rating or applied for a residential rating prior to a City of Sydney Waste service commencing.

(119) 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.

(120) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(121) 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.

(122) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

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

(123) 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.

(124) 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.

(125) BASIX

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

(126) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

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

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

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

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

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

(128) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(129) 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.

(130) 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.

(131) 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.

(132) 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.

(133) EROSION AND SEDIMENT CONTROL

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

During the construction period:

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

(134) 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.

(135) 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.

(136) 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.

(137) SYDNEY WATER CERTIFICATE

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

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

(138) 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.

(139) 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.

(140) 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.

(141) 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 NSW Office of Water are as follows:

General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - A. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - B. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - C. where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
5. DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

6. The following shall be included in the initial report:
 - (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - (b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]
7. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
9. Groundwater quality testing generally in accordance with the previous Condition, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).

11. A copy of a valid development consent for the project shall be provided in the initial report.
12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tail water") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
16. Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.

Following excavation

21. Following completion of the dewatering operations, the Applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:
- (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
22. The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

Carried unanimously.

ITEM 9.12**DEVELOPMENT APPLICATION: 68 SURREY STREET DARLINGHURST (D/2016/426)**

It is resolved that:

- (A) pursuant to Clause 4.6 of Sydney Local Environmental Plan 2012, Council grant a variation to the Height development standard; and
- (B) consent be granted to Development Application No. D/2016/426, subject to the following conditions:

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2016/426 dated 12 April 2016 and the following drawings:

Drawing Number	Architect	Date
0201-101 Issue G	Rudolfsson Alliker Associates Architects	1 April 2016

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The lower ground floor loggia must be set in from both the eastern and western side boundaries by a minimum of 800mm on each side and the planters situated on the roof of the loggia are to be deleted.
- (b) The security shutter built into the roof above the two dormers fronting Surrey Street is to be deleted.
- (c) The rear roof terrace/deck and planting off the attic 'bar' is to be deleted and replaced with a Juliet Balcony, no more than 200mm deep.
- (d) Privacy screens are to be installed to the eastern and western sides of the ground and first floor rear balconies between the face of the rear wall and the columns of the balconies.
- (e) The sliding doors between the loggia and rear terrace are to be deleted.
- (f) Details are to be submitted of a non-solid, security gate or the like to be situated between the loggia and the terrace so as not to result in the loggia being fully enclosed when shut.

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

(3) SCREENS TO FRONT FORMERS

The screens to the two front dormers facing Surrey Street are to be externally fixed or operable louvres such as Vental blinds or similar.

(4) STRUCTURAL CERTIFICATION FOR PARTY WALLS

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

(5) WASTE AND RECYCLING MANAGEMENT - MINOR

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

(6) 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.

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

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

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

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

(8) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

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

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

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

(9) SYDNEY WATER CERTIFICATE (QUICK CHECK)

- (a) The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au, (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92.
- (b) The Consent Authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of work.

(10) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(11) 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.

(12) 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.

(13) 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.

(14) 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.

(15) LOADING AND UNLOADING DURING CONSTRUCTION

All loading and unloading associated with construction activity must be accommodated on site.

(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) 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.

(18) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD

A separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).

(19) OCCUPATION CERTIFICATE TO BE SUBMITTED

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

(20) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

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

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

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

(21) AIR CONDITIONERS IN CLASS 1 RESIDENTIAL BUILDINGS

For Class 1 residential buildings as defined by the National Construction Code, The air conditioner/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

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

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

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

SCHEDULE 2

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

Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

Clause 98B Notification of Home Building Act 1989 requirements

Clause 98E Conditions relating to shoring and adequacy of adjoining property

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

Carried unanimously.

ITEM 9.13**DEVELOPMENT APPLICATION: 79A WELLS STREET REDFERN (D/2015/1367)**

It is resolved that Development Application No. D/2015/1367 be refused for the following reasons:

(1) Design Excellence

The proposed development has insufficient regard to the surrounding streetscape and results in a height out of character with the locality. Additionally, the proposal results in an inappropriate interface, including a street facing garage, at the ground level between the building and the public domain. The proposal fails to exhibit design excellence in accordance with Clause 6.21 of Sydney Local Environmental Plan 2012.

(2) Heritage

The form of the proposed development proposal will detract from the significance of the Redfern Estate Conservation Area and is inconsistent with the objectives identified in Clause 5.10 of Sydney Local Environmental Plan 2012.

(3) Amenity

The proposal provides insufficient communal open space and deep soil planting. These deficiencies will detract from the amenity of the dwellings and are contrary to section 4.2.3 – Amenity of the Sydney Development Control Plan 2012.

Carried unanimously.

Speakers

Mr Bill Milionis addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.13.

Report of the Development Assessment Sub-Committee

Moved by Councillor Mant, seconded by Councillor Kok -

That the report of the Development Assessment Sub-Committee of its meeting of 9 August 2016 be received, with the recommendations set out below for Items 9.14 and 9.15 being adopted.

Carried unanimously.

The Development Assessment Sub-Committee recommended the following:

ITEM 9.14**DEVELOPMENT APPLICATION: 71 VICTORIA STREET POTTS POINT (D/2016/399)**

It is resolved that:

- (A) the variation sought to Clause 4.3 building height in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012 be supported; and
- (B) consent be granted to Development Application No. D/2016/399, subject to the following conditions:

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2016/399 dated 5 April 2016 and the following drawings:

Drawing Number	Architect	Date
A.01 Issue A	Trina Day	22.01.2016
A.02 Issue A	Trina Day	30.03.2016
A.03 Issue A	Trina Day	30.03.2016
A.04 Issue A	Trina Day	30.03.2016
A.05 Issue A	Trina Day	30.03.2016
A.09 Issue A	Trina Day	26.04.2016
A.10 Issue A	Trina Day	26.04.2016

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 – ROOF EXTENSION

New materials for the roof extension are to match the existing roof in terms of colours, finishes, and materials.

SCHEDULE 1B**PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING**

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

(3) 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.

(4) 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****(5) BASIX**

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

(6) 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.

(7) COVERING OF LOADS

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

(8) 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.

(9) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

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

(10) NO OBSTRUCTION OF PUBLIC WAY

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

SCHEDULE 2

PRESCRIBED CONDITIONS

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

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

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

Carried unanimously.

ITEM 9.15

DEVELOPMENT APPLICATION: 186-188 VICTORIA STREET POTTS POINT (D/2016/746)

It is resolved that:

- (A) Council support the variation sought to Clause 4.4 "Floor space ratio" in accordance with Clause 4.6 "Exceptions to development standards" in the Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2016/746, subject to the following conditions:

SCHEDULE 1A

APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2016/746 dated 7 June 2016 and the following drawings:

Drawing Number	Architect	Approved On
DA03	Vienna Design Pty Ltd	April 2016
DA04	Vienna Design Pty Ltd	April 2016

Drawing Number	Architect	Approved On
DA05	Vienna Design 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.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(2) 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: 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.

(3) COVERING OF LOADS

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

(4) 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.

(5) 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.

(6) NO OBSTRUCTION OF PUBLIC WAY

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

SCHEDULE 2

PRESCRIBED CONDITIONS

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

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

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

Carried unanimously.

ITEM 10 SPONSORSHIP – NSW BUSINESS CHAMBER BUSINESS AWARDS 2017 TO 2019 (S116257)

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

It is resolved that:

- (A) Council become Principal Partner of the Sydney City Region segment of the NSW Business Chamber Business Awards for three years (2017 to 2019), and continue to sponsor the “Excellence in Small Business” category of the NSW Business Chamber Business Awards for three years at a cost of \$80,000 (plus GST) per year; and
- (B) authority be delegated to the Chief Executive Officer to enter into a sponsorship agreement with the NSW Business Chamber.

Carried unanimously.

ITEM 11 REPORT ON TRAVEL TO CHINA (S050647)

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

It is resolved that:

- (A) the Report on the Sydney Media Delegation to Hubei Province and Xi’an Euro-Asia Economy Forum, 2015, as shown at Attachment A to the subject report, be received and noted; and
- (B) the Report on 30th Anniversary of the Sydney-Guangzhou Sister-City Relationship, as shown at Attachment B to the subject report, be received and noted.

Carried unanimously.

ITEM 12 QUESTIONS ON NOTICE**SPEND ON ENVIRONMENTAL MASTER PLANS (S103148)**

1. By Councillor Forster

Question

At the July 2016 meeting, I asked the Lord Mayor a Question on Notice regarding the total spend on environmental master plans to which I did not receive an answer.

I ask again: 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 Environmental Masterplans have not been superseded. As stated in the report to the Environment Committee on 20 June this year, existing environmental master plans are live documents used to underpin Environment Action 2016 – 2021.

Development costs for each plan requested are listed below. The exhibition and publications costs, including advertising and community engagement are estimated at below \$60,000 each.

- 1) Decentralised Energy Master Plan - Renewable Energy: 2012-2030 (\$155,000);
- 2) Decentralised Energy Master Plan - Trigeneration: 2010-2030 (\$685,000)
- 3) Decentralised Water Master Plan: 2012-2030 (\$1,037,000)
- 4) Advanced Waste Treatment Master Plan: 2013-2030 (\$152,000)

Collectively, the development costs were \$2.27 million which is 0.2% of the capital budget from 2007-08 to 2015-16.

The development costs need to be considered in the context of the broader economic and financial benefits they have identified and are now being implemented. The Better Buildings Partnership, for example, has reduced energy use within commercial office buildings in the city by 45 per cent, saving \$36 million per year due to building upgrades. Potential savings and economic development opportunities are orders of magnitude greater than the production costs. For example, the Energy Efficiency Master Plan identified \$604 million energy bill savings for businesses and residents.

The Master Plans have identified the energy, water and greenhouse gas savings that are possible within a thriving economy. Total greenhouse gas emissions have fallen by 19 per cent since 2006 across the Local Government Area while the economy grew by 27 per cent, in part through technological and behavioural change promoted by these plans.

FIG AND WATTLE STREET DEPOT SITE REMEDIATION UPDATE (S103148)

2. By Councillor Forster

Question

In a response to my May 2016 Question on Notice about the Fig and Wattle Street Depot site remediation update, the Lord Mayor stated that the indicative timeframe for completion of the final site audit statement and site audit report of June 2016 would be delayed until July 2016 to accommodate a request for storage arising from the Light Rail Project.

It is now August. When will the Remediation Action Plan and Site Audit Statement for the Fig and Wattle Street Depot be made public?

When will the Remediation Action Plan be implemented, noting that there is no funding for this implementation in the 2015/16 Quarter 4 Review – Delivery Program 2014-2017?

Answer by the Lord Mayor

The City appointed Graeme Nyland of Rumbol Environ as the accredited EPA site auditor and Dr Greg Dasey of JBS&G continues engagement as the City's environmental consultant.

JBS&G have compiled all historical and current reports, studies, sampling and analysis is also complete for the Site Auditor's reference.

This month JBS&G is finalising the Human Health and Ecological Risk Assessment (HHERA) and has completed the Sampling Analysis and Quality Plan (SAQP) which will be submitted this month to the Site Auditor for review. Further assessment works may be required to complete a revised risk assessment and Remediation Action Plan. The accredited site auditor will review and comment on the plans and the draft Remediation Action Plan (RAP) to enable completion of the final site audit statement and report.

To accommodate a 6 month extension to 31 December period for storage arising from the Light Rail Project the indicative timeframe for completion of the final site audit statement and site audit report is revised to October 2016. As previously stated the storage of stone under short term occupancy licence is in accordance with the Site Plan of Management prepared by JBS&G and endorsed by the EPA.

The Remediation Action Plan and Site Audit Statement will be a matter of public record as part of the planning process.

The physical works to remediate in accordance with the Remediation Action Plan and Site Audit Statement will be completed as part of the builder's construction contract.

OUTDOOR DINING FEE REVENUE (S103148)

3. By Councillor Forster

Question

What was the revenue earned by the City of Sydney each financial year between 2012/13 and 2015/16 from Outdoor Dining Fees, broken down into Zones 1, 1A, 2, 3, 4, 5, 6, 6A, 7 and 8?

Answer by the Lord Mayor

The data requested is being extracted by staff and will be reported to Councillors via the CEO Update.

CITY OF SYDNEY NON-RESIDENTIAL ROLL COMMUNICATIONS (S103142)

4. By Councillor Scott

Question

I refer to the City of Sydney non-residential roll.

1. Has the City sent, or is it planning to send, any communications or correspondence to entities listed on the non-residential roll since the roll was finalised? If so, can the City please provide a copy of all communications sent to entities listed on the non-residential roll? Who will approve these publications? Will the Lord Mayor or Councillors feature on these communications?
2. How much was the total cost of the preparation of the roll, broken down by drafting and design, staff, and dissemination of any communications sent to entities on the non-residential roll?
3. How much has been budgeted for the financial year ending 30 June 2017, for communications sent to entities on the non-residential roll? Please provide a breakdown by staff, consultants, printing, postage, design etc. of the budget appropriated for these communications.
4. Will there be a budget for communications for the purposes of maintaining the roll in the future?

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)

5. By Councillor Scott

Question

1. In the current financial year 2016/2017, to date, how many City of Sydney newspaper and media advertisements has the Lord Mayor featured in?
2. What is the total cost of the City's newspaper and media advertising that features the Lord Mayor in the current financial year to date?
3. Please provide copies of each.

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.

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.

PRINT MATERIAL (S103142)

6. By Councillor Scott

Question

1. In the current financial year 2016/2017, to date, how many printed materials has the Lord Mayor featured in?
2. Broken down by publication, what was the cost of these materials which feature the Lord Mayor in the current financial year to date?
3. Broken down by publication, how many households were they sent to, and in which suburbs?
4. Please provide copies of each.

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.

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.

RENEWABLE ENERGY TARGET (S103142)

7. By Councillor Scott

Question

1. How often does the City assess the percentage of electricity in the City of Sydney LGA generated from renewable sources?
2. When will the City next assess the percentage of electricity in the City of Sydney LGA generated from renewable sources?

Answer by the Lord Mayor

The frequency by which the City is able to assess the percentage of electricity in the City of Sydney LGA is limited by the release of data. There are two publicly available data sets.

- Ausgrid, the local electricity distribution network, reports total electricity and installed solar PV capacity by LGA annually. The most recent report is 2015. <http://www.ausgrid.com.au/Common/About-us/Corporate-information/Data-to-share/Average-electricity-use.aspx#.V6l3DxuqpBc>
- The Australian PV Association also has a map-based website which shows total installed PV by LGA or postcode, and is more frequently updated than the public Ausgrid data. The most recent data is June 2015 <http://pv-map.apvi.org.au/>
- Other renewable energy sources in the LGA, like small wind, are too negligible to make a noticeable contribution.

The end of 2016 will be the next time the City assesses renewable energy generated within the LGA.

PUBLIC TOILETS (S103142)

8. By Councillor Scott

Question

I refer to the Lord Mayor's answer to the question on notice titled "Public Toilets".

1. What proportion of the City's public toilets are open 24 hours?
2. What proportion of the City's public toilets are located on City streets?

Answer by the Lord Mayor

The Public Toilet Strategy identified 117 public toilets within the City of Sydney Council area. The City owns and manages 55 of these facilities (comprising of toilets located in parks, on streets and within public buildings that are accessible to the public).

30 per cent of the City's facilities are open 24 hours per day, seven days per week.

25 per cent of the City's facilities are located on City streets.

LGBTIQ LIGHTING AUDIT (S103142)

9. By Councillor Scott

Question

I refer to the City's audit of lighting in LGBTIQ areas around the City of Sydney.

Have the LGBTIQ organisations contacted, as part of this audit, nominated any areas of concern, or advised of any reports of LGBTIQ violence? If so, where? And how many?

Answer by the Lord Mayor

Please refer to the CEO Update dated 5 August 2016.

544 ELIZABETH STREET, REDFERN (S103142)

10. By Councillor Scott

Question

I refer to the Lord Mayor's answer to question on notice titled "544 Elizabeth Street, Redfern".

1. Has a structural engineer inspected the property?
2. If so, what was the outcome of this inspection?
3. What, if any, options are being considered for the issue of orders regarding the condition of the property?
4. On what basis does the Lord Mayor posit that "initial indications" suggest the property "remains sufficiently stable and structurally sound"?

Answer by the Lord Mayor

1. Yes, the City engaged a structural engineer to inspect the property and provided a report to City staff dated 2 June 2016.
2. The structural engineer confirmed that the structure is stable and structurally still intact to provide the required bracing for the adjacent properties. The report recommended future works to remove and replace all the first floor framing and floor boards, roof and ceiling framing. An immediate concern was identified in the front parapet wall to Elizabeth Street which has a significant crack exacerbated by vegetation growing through it.
3. The City issued Notices of Intention and subsequent Orders were served on 11 August 2016, to fence the property (to prevent any unauthorised entry to the premises) and to repair the parapet that was identified as a concern in the structural engineer's report.
4. City staff from the Health and Building Unit undertook an inspection on 8 April 2016 and confirmed at the time that the structure was sufficiently stable and structurally sound; there was no imminent public safety risk. A further inspection occurred on 30 May 2016 to facilitate access for the structural engineer to inspect the property.

LIMITED MULTIDAY VISITOR PARKING PERMITS STUDY (S103142)

11. By Councillor Scott

Question

I refer to the motion resolved by Council titled "Limited Multiday Visitor Parking Permits Study".

1. When will these permits be evaluated?
2. How will the permits be evaluated?

3. What will be measured?
4. What will be the determinate of a change in outcome?

Answer by the Lord Mayor

As has been previously advised, these matters will be progressed by the CEO in accordance with the terms of the Resolution of Council of 16 May 2016.

WASTE COLLECTION CAPACITY (S103142)

12. By Councillor Scott

Question

How often does the City review the adequacy of the City's household waste collection services in each local area?

In particular, how often does the City review the adequacy of the current capacity of the City's household waste collection bins?

When was the last time the City conducted a review of the adequacy of the capacity of the City's household waste collection bins?

If reviewed, which areas were deemed adequate? On what basis were they deemed adequate? Which areas were deemed inadequate?

Answer by the Lord Mayor

The adequacy of the City's waste collection services, including waste collection bin capacity, is monitored regularly on an ongoing basis as part of the management of the City's waste collection contract and delivery of waste and recycling services.

When assessing the adequacy of bin capacity, the City considers the following:

- number and type of bins provided fit the size of the property;
- how the property is accessed for garbage collection; and
- nature of the storage space for the bins.

CLEANING SERVICES (S103142)

13. By Councillor Scott

Question

I refer to the 2015/16 Quarter 4 Review report to the Corporate, Finance, Properties and Tenders Committee on 8 August 2016, in particular, the table under paragraph 15 in relation to "primary operating expenditure variances to the budget".

The table indicates that property related expenditure experienced a favourable variance of \$1.6M for the financial year ending 30 June 2016. This variance is attributed to the "savings on the cleaning maintenance contracts due to a change of providers".

1. How were the City's cleaning service providers able to achieve these savings?
2. Has the City in any way scaled back on the cleaning services it requires?
3. Can the City confirm that the cleaning service providers are paying Clean Start rates?

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 1 dated 21 March 2016.

AFFORDABLE HOUSING IN PYRMONT (S103142)

14. By Councillor Scott

Question

In the 2015/16 Quarter 4 Review report to the Corporate, Finance, Properties and Tenders Committee on 8 August 2016, I refer to the Capital Expenditure Financial Results in Attachment C, page 93, table 8.S.1 – "Key Performance Indicators – Affordable housing – Protect existing affordable housing and facilitate new affordable housing in the City to provide for social, cultural, environmental and economic sustainability."

The table refers to "Affordable rental housing units resulting from affordable housing levy – Ultimo/Pyrmont (measured annually). Target at end of scheme (not specific date): 600."

The table indicates that none of these houses were delivered in the financial years ending 30 June 2014, 2015 and 2016.

1. I was advised at the meeting of the Committee on 8 August 2016 that 503 of these had been built. Where are the remaining 97 as per the target of 600? When does the City anticipate these remaining 97 to be delivered?
2. I was advised at the meeting of the Committee on 8 August 2016 that 58 of these units are held in "private" hands. Where is the public benefit in holding affordable housing units in private hands?

Answer by the Lord Mayor

Please refer to the Relevant To for Item 6.2 at this meeting of Council.

SWIMMING (S103142)

15. By Councillor Scott

Question

In the 2015/16 Quarter 4 Review report to the Corporate, Finance, Properties and Tenders Committee on 8 August 2016, I refer to the Capital Expenditure Financial Results referred to in Attachment C, page 81, the table titled “Community health and well-being – Provision of quality recreational facilities and open space as places to meet, socialise and to engage in passive and active recreation activities”.

The table refers to a key performance indicator of “Attendances at aquatic and leisure centres”. This KPI shows that, since the financial year ending 30 June 2014, attendances at the City’s aquatic and leisure centres have dropped from 1,568 to 1,300.

How does the City explain this decrease?

Answer by the Lord Mayor

Please refer to the Relevant To for Item 6.2 at this meeting of Council.

SPORTING FIELDS (S103142)

16. By Councillor Scott

Question

In the 2015/16 Quarter 4 Review report to the Corporate, Finance, Properties and Tenders Committee on 8 August 2016, I refer to the Capital Expenditure Financial Results referred to in Attachment C, page 81, the table titled “Community health and well-being – Provision of quality recreational facilities and open space as places to meet, socialise and to engage in passive and active recreation activities”.

The table refers to a key performance indicator of “Usage -v- capacity of sports fields (booked use) (hours used -v- hours available). This KPI shows that the City’s sporting fields and facilities are currently utilised at a rate of 98.75%.

1. Does the Lord Mayor consider this figure to be on track?
2. How much has been allocated in the 2016/17 budget to specifically expand the provision of sporting fields?

Answer by the Lord Mayor

Please refer to the Relevant To for Item 6.2 at this meeting of Council.

REDFERN / WATERLOO COMMUNITY COLLABORATION COMMITTEE (S103142)

17. By Councillor Scott

Question

I refer to the motion titled "Redfern / Waterloo Community Collaboration Committee", as carried by the Council at its meeting of 26 October 2015.

1. Can the Lord Mayor advise on the outcome of the Lord Mayor's correspondence with the Minister for Health and Minister for Family and Community Services regarding improved coordination of service delivery and the establishment of a mechanism for community consultation and representation?
2. What forms of mechanism have been raised or considered following this correspondence?
3. Have any community organisations or individuals been consulted regarding these mechanisms?

Answer by the Lord Mayor

I wrote to the Minister for Health and the Minister for Family and Community Services on 27 November 2015 seeking better coordination of service delivery and the establishment of a mechanism for community consultation and representation. The Minister for Health responded, outlining that the NSW Health Coordinated Services Meeting provides leadership in the coordination of service delivery. This group is a coalition of government agencies that meets to discuss coordination of government service delivery, with representation from Health, Education, Housing, Police, Corrective Services and City of Sydney.

Government agencies, including the City of Sydney, consult and engage with the community through a range of forums including Redfern Neighbourhood Advisory Board, Waterloo Wellness and Safety Action Group, Redfern Waterloo Events Group, Redfern Waterloo Community Drug Action Team and Redfern Local Area Command Community Safety Precinct Committee.

I regularly host public meetings to engage with local residents on issues of concern to them. Furthermore, the City meets regularly with Family and Community Services District Housing Executives and supports local residents by funding Redfern Legal Centre to an amount of \$100,000 to assist with relocation support for social housing tenants. City staff engage with the community through City-funded events such as 'Summer on the Green' at Waterloo Green and Good Neighbourhood Barbeques and continue to provide issues management and individual support services for residents.

URBAN CO-HOUSING (S103142)

18. By Councillor Scott

Question

I refer to the motion titled "Urban Co-Housing", as carried by the Council at its meeting of 10 August 2015.

1. Can the CEO update the Council on her initial findings on the possible inclusion of co-housing in the City's housing policy?
2. When does the CEO expect to deliver her findings on the inclusion of co-housing in the City's housing policy?

Answer by the Lord Mayor

This is one of a number of models being considered in the preparation of the City's draft Housing Policy and Action Plan that effectively contributes to housing supply and diversity. It is an interesting model that can deliver social and economic benefits, but co-housing has limited effectiveness in the inner city context due to the limited availability of single large sites and cost of land.

The draft Housing Policy and Action Plan is expected to be reported to Council early in the next term of Council.

SOCIAL AND AFFORDABLE HOUSING (S103142)

19. By Councillor Scott

Question

I refer to the motion titled "Social and Affordable Housing", as carried by the Council at its meeting of 28 July 2014.

1. Can the City outline all memorandums of understanding with UrbanGrowth since the passage of this motion which include the minimum commitment to the City's 2030 affordable and social housing targets?
2. Can the City confirm that the memorandums of understanding with UrbanGrowth since the passage of this motion are consistent with the City's 2030 affordable and social housing targets?

Answer by the Lord Mayor

At its 28 July 2014 meeting, Council resolved to enter into two separate memorandums with UrbanGrowth NSW regarding planning principles and governance arrangements for Major Urban Renewal Projects in the City of Sydney and the Parramatta Road Urban Renewal Program.

The City has not entered into any Memorandums of Understanding with UrbanGrowth since the 28 July 2014 resolution.

LOW COST RENTAL ACCOMMODATION – FEASIBILITY STUDY (S103142)

20. By Councillor Scott

Question

I refer to the motion titled "Low Cost Rental Accommodation – Feasibility Study", as carried by Council at its meeting of 23 June 2014.

What incentives has the City considered for owners to provide low cost rental accommodation in the City?

Answer by the Lord Mayor

I have been advised that these matters will be addressed in the draft Housing Policy and Action Plan which is expected to be reported to Council early in the next term of Council.

UNLOCKING VACANT BUILDINGS FOR AFFORDABLE HOUSING (\$103142)

21. By Councillor Scott

Question

I refer to the motion titled "Unlocking Vacant Buildings for Affordable Housing", as carried by Council at its meeting of 12 May 2014.

What have been the CEO's initial findings of her research into measures to encourage the re-use of vacant buildings or lots within the City of Sydney for residential redevelopment and affordable housing?

Answer by the Lord Mayor

The City is using all mechanisms available to unlock affordable housing in the LGA. As of April 2016, 876 new affordable units have been built and a further 528 dwellings are in the pipeline – a total of 1404 new affordable housing dwellings across the local area.

The City contributes affordable units through:

- Planning Levies
- providing Council-owned sites and selling land at discounted prices to Community Housing Providers
- amending our planning controls and negotiating Voluntary Planning Agreements and
- an Affordable Housing Fund to support future projects.

Despite the demonstrated success of affordable housing levies, the State Government has refused numerous requests to extend the levy to cover the entire City. In 2009, the NSW Labor Government rejected the City's request to apply a 4 per cent levy across the city. In the booming property market that followed - \$25 billion of development approved over the past 12 years - it is estimated this levy would have funded 2000 additional homes for essential city workers

In response to the Motion resolved by Council in May 2014, staff considered the feasibility of measures to encourage the re-use of vacant buildings or lots within the City of Sydney as part of the Housing Issues Paper. The Housing Issues Paper will be finalised and brought to Council early in the next term.

However, the assessment of staff is that measures to encourage the re-use are not viable in the City of Sydney. Firstly, an audit of vacant properties would be expensive and time-consuming for the City to conduct. Secondly, the City has no legal authority to require owners of vacant buildings or lots to develop them as residential or affordable housing. Thirdly, in the context of extraordinary growth in property values within the City of Sydney that owners could capitalise upon if they were re-develop, it is unlikely that adjusting rates would prove an effective additional financial incentive to act. Defining vacant buildings and lots would also be a complex exercise. Fourthly, in the context of a rate cap, there would be no additional revenue for the City that could be used for affordable housing.

Staff do not therefore recommend measures for vacant buildings because they are likely to be costly and there is limited prospects of additional affordable housing dwellings. The City is focused on more effective measures to increase affordable housing such as extending an affordable housing levy across the LGA.

SYDNEY GLBTI MUSEUM ARCHIVAL SPACE (S103142)

22. By Councillor Scott

Question

I refer to the motion titled "Sydney GLBTI Museum Archival Space", as carried by Council at its meeting of 12 May 2014.

1. Can the City provide an update of the CEO's efforts to work with collecting institutions, such as the State Library of NSW, the National Library, and the Australian Lesbian and Gay Archives, in determining how significant community materials can be appropriately collected, stored and available for research and exhibition purposes?
2. Which organisations or government entities has the CEO contacted as part of this process?
3. What systems of collection, storage and exhibition have been proposed and considered?

Answer by the Lord Mayor

Please refer to the CEO Update dated 18 December 2015.

PYRMONT BRIDGE (S103142)

23. By Councillor Scott

Question

I refer to the motion titled "Pyrmont Bridge", as carried by Council at its meeting of 21 March 2016.

1. When can the Council expect the CEO's feasibility study for providing shade protection along the length of Pyrmont Bridge?

2. What has been the outcome of the CEO's correspondence with the Sydney Harbour Foreshore Authority to initiate a joint feasibility study between the City and the SHFA to undertake this project?

Answer by the Lord Mayor

On 21 March 2016 Council resolved that the CEO:

- (i) write to the Sydney Harbour Foreshore Authority (SHFA) and request that they investigate options for providing shade across Pyrmont Bridge; and
- (ii) report back to Councillors via the CEO Update on SHFA's response.

The City is waiting on a response from SHFA.

GREEN SQUARE (S103142)

24. By Councillor Scott

Question

I refer to the motion titled "Green Square", as carried by Council at its meeting of 28 July 2014.

When can the Council expect the CEO's findings arising from her:

1. infrastructure audit of existing Council planning, traffic, and community services research relevant to the Lachlan, Green Square, Victoria Park, Epsom, and Mary O'Brien precinct redevelopments?
2. feasibility study on the installation of plaques that acknowledge significant historical events, people, and experiences in the Green Square, Victoria Park, Lachlan, Epsom, and Mary O'Brien precincts?

Answer by the Lord Mayor

1. The (draft) Green Square Infrastructure Strategy and Plan was reported to Council in March 2015.

The Plan provides a comprehensive overview of strategies, plans and studies that identify both the physical and the social infrastructure required to support the growth of Green Square across all Green Square neighbourhoods, including Victoria Park, Epsom Park, Lachlan and Mary O'Brien.

It was prepared by the City with input from an in-house working group made up of specialists in planning, stormwater engineering, social planning, infrastructure design and delivery, transport planning, traffic operations and community engagement, with input from the relevant NSW agencies where possible.

At the time of reporting, Council endorsed that the Plan be reviewed every 12 months. This review is nearing completion, with the main changes being:

- an update of the City's revised total population figures for Green Square (an increase from 53,000 to 63,000 people by 2030);

- providing a more accurate timeframe for delivery of the City's Community Facilities; and
- revisions to some figures in the Plan to reflect the updated population figures and timeframes for the delivery of Community Facilities.

The Plan is being used in the ongoing negotiations, particularly with NSW Government Agencies, to ensure the provision of key infrastructure as development occurs.

2. The City's History Program has developed informal guidelines to identify historically appropriate names for new streets, parks and places.

Council has endorsed a naming strategy for 43 new streets, 14 new open spaces, 12 street extensions and two park enlargements in Green Square and Ashmore. Both wayfinding signage and interpretive signage are being progressively installed as development is finalised.

New street and park names recognise local community, historical events, the multicultural and diverse communities in Sydney and eminent persons, particularly local residents, historical figures or community identities, and contributes to a sense of community identity and helps shape civic pride and awareness.

Names of Aboriginal origin were chosen for some Green Square parks and community facilities to explain the original wetland environment and the abundant water life and hunting that the wetlands provided. The historical associations of the park names will be included as the signage is rolled out to these parks

The Planning Conditions applied to a development application can require an interpretation plan for a heritage significant buildings sites or features. This plan must be submitted to, and approved by, Council's Urban Design and Heritage Manager. It must detail how information on the history and significance will be provided to the public, and make recommendations regarding public accessibility, signage and lighting.

For example, project staff have worked closely with the City Historian to provide a wide range of heritage interpretation in the former South Sydney Hospital site, including:

- landscaping – with the re-introduction of native species such as Banksia Scrub;
- the children's playground will include an interpretation of hospital instruments in the play equipment;
- park signage to explain key names like 'Matron Ruby Grant';
- heritage signage and interpretation in the Joynton Avenue Creative Centre (the former Esme Cahill Building); and
- heritage signage and interpretation in the Waranara Early Education Centre (the former Casualty building).

Further information on the City's heritage, along with other local information, is available on the City's website through the Dictionary of Sydney.

OLD ROSTER (S103141)

25. By Councillor Mandla

Question

Lord Mayor, at the Council Meeting of 24 February 2014, in answer to a question from Councillor Scott concerning Council's enforcement income, you supplied the following answer:

"A new roster was introduced on 16 November 2013 following over 18 months' consultation with staff. The new roster allows the City to more effectively respond to complaints about illegal parking and to allocate resources in areas and times of highest demand for ranger services.

There has been no significant change in revenue since the introduction of the new roster. However, parking compliance levels are increasing, which suggests the improved coverage by ranger patrols is having the desired effect of reducing illegal parking."

Lord Mayor, at the Council Meeting of 27 April 2015 I put to you the following question:

"The new roster for parking rangers commenced on 15 November 2013. What was the budget variance and change from previous year for parking control revenue for this period ending 15 November 2014?"

Lord Mayor, you supplied the following answer:

"The financial accounts record budgets to the end of each calendar month and not to individual days within those months. From 1 December 2012 to 30 November 2013 the budget variance for enforcement revenue was (\$2,430,959). From the 1 December 2013 to 30 November 2014 the budget variance for enforcement revenue was (\$2,565,682). The above figures include ordinance related revenue which represents about 0.4% of the enforcement revenue."

Could the Lord Mayor please confirm?

1. Commencing this month (August 2016), will Council's Parking Rangers be working in accordance with a renamed roster which was in operation prior to November 2013? (That is each Parking Ranger who is on the road will work an eight-and-a-half-hour day and a nine-day fortnight.)
2. Was the recently scrapped roster management's idea, and was it unpopular with the Council's Parking Rangers from day one of its introduction?
3. Has the number of penalty infringement notices issued by City of Sydney Council's Parking Rangers dropped from November 2013? Have they never recovered to this level?
4. Is the publicly available data relating to parking penalty notices issued by the City of Sydney over recent financial years correct:
 - 2013 / 2014 – penalty notices issued 288, 942
 - 2014 / 2015 – penalty notices issued 273, 572 (drop of 5.6% from previous year)
 - 2015/ 2016 – penalty notices issued 248, 237 (drop of 10.2% from previous year)

5. Is the resulting decline in parking penalty revenue largely attributable to the work roster introduced for Council's Parking Rangers?
6. Has the availability of kerbside car parking spaces for the use of residents throughout the City been adversely affected since November 2013?
7. Lord Mayor, will you now request the CEO to commission an urgent enquiry by a suitable firm of management consultants to investigate such matters as:
 - (a) Why Council's Management introduced, in November 2013, a work roster for Council's Parking Rangers which may have had unintended negative consequences for both personnel and performance?
 - (b) Why, when it became apparent that the work roster introduced in November 2013 for Council's Parking Rangers may have been having unintended negative consequences, it was not scrapped earlier?
 - (c) Given Councillor Scott's and my earlier enquiries regarding the Parking Rangers' work roster, why were Councillors not told of the reversal to the pre-November 2013 roster which will only recommence this month (August 2016)?
 - (d) Whether management completed mid-year appraisals of Council's Parking Rangers for the 2015/2016 period?
 - (e) What remedial management action, if any, may be required?

Answer by the Lord Mayor

Staff rosters and related issues are operational matters for determination by the Chief Executive Officer and relevant Director, in consultation with staff and unions as appropriate.

REPORTING OF SERIOUS MANAGEMENT MISCONDUCT (S103141)

26. By Councillor Mandla

Question

Could the Lord Mayor please answer?

1. Where any Sydney City Council staff member has reported an incident of serious management misconduct (not just in the Rangers' Unit) since the time of the handing down of the Warfield Report 2012, either to Governance, the CEO or the Lord Mayor's Office, was a full investigation undertaken by appropriate staff?
2. Has any Sydney City Council staff member who has reported serious management misconduct either to Governance, the CEO or the Lord Mayor's Office since the handing down of the Warfield Report 2012 been threatened, pressured to resign, pressured to retire, been dismissed or failed to have a contract renewed?

Answer by the Lord Mayor

The Chief Executive Officer is responsible for the day-to-day operation of the City, which includes ensuring appropriate cultures, processes and policies are in place to support the reporting of the type of matters referred to in your question. For further information please refer to my answers to Question on Notice 5 and 6 dated 23 February 2015.

EX GRATIA PAYMENTS (S103141)

27. By Councillor Mandla

Question

Lord Mayor, at the Council Meeting of 27 April 2015, I asked you the following question:

“Will the Lord Mayor give an assurance that, between now and the next Local Government Elections in September 2016, staff ceasing employment with the presently constituted City of Sydney Council will not receive any form of ex gratia payment, what is commonly known as a “golden handshake,” “golden parachute”, “payout of contract” or “gardening leave”?”

Lord Mayor, you supplied the following answer:

“The Chief Executive Officer is responsible for the employment of staff. The Chief Executive Officer has provided the following information:

Employees ceasing employment with the City of Sydney will be managed in accordance with their employment contract and the City’s employment policies and procedures.

In relation to senior staff, the Local Government Act requires Ministerial approval for certain termination payments. Section 354A states:

- (1) A Council must not make a payment to the general manager or other senior staff member of the Council in relation to his or her termination of employment (including termination on the ground of redundancy) without first obtaining the Minister’s approval to the payment.”

Could the Lord Mayor please answer?

1. Whether any senior staff member or members who left Council’s employment this year has received or is receiving a “golden handshake” or “golden parachute” or payment of untaken sick leave?
2. Whether an application has been made to the Minister for Local Government or will be made to the Minister for Local Government for approval to pay any senior staff member or members a “golden handshake” or “golden parachute” or payment of untaken sick leave?

Answer by the Lord Mayor

As I have previously advised the Chief Executive Officer is responsible for the employment of staff. The Chief Executive Officer has confirmed to me that:

- employees ceasing employment with the City will be managed in accordance with their employment contract and the City's employment policies and procedures; and
- no application has been made to the Minister for Local Government for approval to pay any senior staff member a "golden handshake" or "golden parachute" or payment of untaken sick leave.

ITEM 13 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS

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

ITEM 14 NOTICES OF MOTION**CITY POLICY ON NAMING OF PARKS (S103133)**

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

It is resolved that Council:

- (A) note the effort of the local community in campaigning to have the playground on Franklyn Street named in honour of the late Deputy Mayor, Councillor Robyn Kemmis; and
- (B) request the Chief Executive Officer to prepare and recommend to the Council for adoption a City of Sydney Naming Policy for the purposes of naming significant sites or structures that allows for recognition of events, people or places of social, historical or cultural significance to the City of Sydney.

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

A show of hands on the motion moved by Councillor Scott resulted in an equality of voting as follows:

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

Noes (4) The Lord Mayor, Councillors Green, Kok and Mant.

The Chair (the Lord Mayor) exercised her casting vote against the motion.

The motion was declared lost.

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

It is resolved that Council note staff are currently finalising a City of Sydney Naming Policy, which is scheduled to be presented to Council early in the term of the next Council.

Carried unanimously.

SOCIALLY RESPONSIBLE INVESTMENTS POLICY (S103133)

2. By Councillor Scott -

It is resolved that Council:

- (A) note:
 - (i) the City's role in addressing climate change; and
 - (ii) the importance of encouraging ethically sound and responsible investment that meets the challenge of addressing climate change;

- (B) request the Chief Executive Officer to prepare and recommend to the Council for inclusion in the City's Investment Policy a provision stating to the effect that preference will be given to financial institutions and products that meet the City's socially responsible criteria, provided that it complies with the City's investment policy, including all risk parameters, and return rates that are comparable or better to that offered in the range of permissible investments; and
- (C) request the Chief Executive Officer to review all relevant City policies and prepare and recommend amendments to all relevant City policies for the purposes of expanding the City's current definitions of environmentally harmful activities to clarify that the current reference to production of greenhouse gases includes coal, gas and oil production.

Note - At the meeting of Council, Councillor Scott withdrew her Notice of Motion, the matters raised in it having been dealt with at an earlier stage of the meeting in Item 3.1.

DELEGATIONS TO THE LORD MAYOR (S103133)

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

It is resolved that Council:

- (A) note paragraph 4(a) of the City's Delegations to the Lord Mayor dated 13 May 2013, which states that Council delegates to the Lord Mayor, on an ongoing basis, the authority "to approve all press statements and publications issued on behalf of Council, unless Council determines otherwise on a specific issue";
- (B) replace paragraph 4(a) of the City's Delegations to the Lord Mayor dated 13 May 2013, to read as follows:
 - (i) to approve all press statements issued on behalf of Council, unless Council determines otherwise on a specific issue; and
 - (ii) to approve publications issued on behalf of Council when Council determines so on a specific issue;
- (C) insert a paragraph into the City's Delegations to the Chief Executive Officer which states that Council delegates to the Chief Executive Officer, on an ongoing basis, the authority "to approve all publications issued on behalf of Council, unless Council determines otherwise on a specific issue"; and
- (D) note all other delegations by Resolution of Council continue in force.

A show of hands on the motion resulted in an equality of voting as follows:

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

Noes (4) The Lord Mayor, Councillors Green, Kok and Mant.

The Chair (the Lord Mayor) exercised her casting vote against the motion.

The motion was declared lost.

At 7.27pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 24 October 2016 at which
meeting the signature herein was subscribed.