

COUNCIL

Meeting No 9
Monday 24 October 2016
Notice No 9/1578
Notice Date 20 October 2016

minutes

city of villages

INDEX TO MINUTES

ITEM	PAGE NO
1. CONFIRMATION OF MINUTES	1490
2. DISCLOSURES OF INTEREST.....	1490
3. MINUTES BY THE LORD MAYOR –	
3.1 CALLINAN REVIEW.....	1491
3.2 AUSGRID TREE PRUNING	1494
3.3 SUPPORT FOR SAVE OUR SIRIUS CAMPAIGN.....	1497
3.4 PROUDLY POKIES FREE CAMPAIGN.....	1500
4. MEMORANDA BY THE CHIEF EXECUTIVE OFFICER –	
4.1 POWERS OF ATTORNEY.....	1505
5. MATTERS FOR TABLING	1507
6. REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 10 OCTOBER 2016	1508
6.1 DISCLOSURES OF INTEREST	1509
6.2 INVESTMENTS HELD AS AT 31 AUGUST 2016	1509
6.3 INVESTMENTS HELD AS AT 30 SEPTEMBER 2016	1509
6.4 REVIEW OF THE INVESTMENT POLICY AND STRATEGY FOR THE MANAGEMENT OF COUNCIL'S SURPLUS FUNDS	1509
6.5 PRESENTATION OF THE 2015/16 FINANCIAL STATEMENTS TO COUNCIL	1510
6.6 DRAFT COUNCILLORS' EXPENSES AND FACILITIES POLICY 2016/17 - PUBLIC EXHIBITION.....	1511
6.7 NAMING PROPOSAL - ROBYN KEMMIS RESERVE	1511
6.8 EXEMPTION FROM TENDER – FRONTIER SOFTWARE	1511
6.9 EXEMPTION FROM TENDER - PARKING METER SERVICE AND MAINTENANCE	1512
6.10 EXEMPTION FROM TENDER - 343 GEORGE STREET, SYDNEY - ADDITIONAL SCOPE TO LIFT MODERNISATION CONTRACT	1512
6.11 TENDER - COMMUNITY FACILITIES SIGNAGE UPGRADE	1513
6.12 TENDER – TOWN HALL HOUSE LEVEL 4 UPGRADE	1513

INDEX TO MINUTES

ITEM	PAGE NO
6.13 TENDER - BENLEDI HOUSE ROOF AND STORMWATER UPGRADE.....	1514
6.14 TENDER – IRRIGATION MAINTENANCE SERVICES	1514
6.15 TENDER – APPOINTMENT OF AN OPERATOR FOR THE OPERATION AND MANAGEMENT OF THE SATURDAY MARKET IN FITZROY GARDENS	1514
6.16 TENDER - RECEIPT AND PROCESSING OF RECYCLABLES, ORGANICS, BULKY WASTE, CLEANSING WASTE, E-WASTE AND METALS	1515
7. REPORT OF THE ENVIRONMENT COMMITTEE - 10 OCTOBER 2016.....	1516
7.1 DISCLOSURES OF INTEREST	1516
7.2 C40 LARGE CITIES CLIMATE CHANGE SUMMIT – MEXICO CITY 2016	1517
8. REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 10 OCTOBER 2016	1519
8.1 DISCLOSURES OF INTEREST	1520
8.2 ACCOMMODATION GRANT PROGRAM 2016/17 – ALLOCATION OF TENANCY 1, 247 OXFORD STREET PADDINGTON.....	1520
8.3 OXFORD STREET CREATIVE SPACES PROGRAM – REVISED LEASE COMMENCEMENT DATE AND CHANGE OF PREMISES FROM SHOP 17 FOLEY STREET TO SHOP 15 FOLEY STREET	1521
8.4 REQUEST TO EXTEND ACCOMMODATION GRANT TO AUSTRALIAN MARRIAGE EQUALITY.....	1522
8.5 COMMUNITY WELLBEING INDICATORS 2016 – ENDORSEMENT FOR PUBLICATION.....	1523
9. REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 10 OCTOBER 2016	1524
9.1 DISCLOSURES OF INTEREST	1525
9.2 POST EXHIBITION - 12-40 ROSEBERY AVENUE AND 108 DALMENY AVENUE ROSEBERY – PLANNING PROPOSAL AND DRAFT AMENDMENT TO SYDNEY DEVELOPMENT CONTROL PLAN 2012	1526
9.3 POST EXHIBITION - OUTDOOR DINING AND DISPLAYS OF GOODS ON THE FOOTWAY	1502

INDEX TO MINUTES

ITEM	PAGE NO
9.4 PUBLIC EXHIBITION - PLANNING PROPOSAL – SERVICED APARTMENTS- AMENDMENTS TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - SYDNEY LOCAL ENVIRONMENTAL PLAN 2005 - SYDNEY LOCAL ENVIRONMENTAL PLAN-GREEN SQUARE TOWN CENTRE- 2013 AND SYDNEY LOCAL ENVIRONMENTAL PLAN-GREEN SQUARE TOWN CENTRE STAGE 2-2013	1528
9.5 PUBLIC EXHIBITION – 2-32 JUNCTION STREET, FOREST LODGE – PLANNING PROPOSAL AND SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENT	1528
9.6 FIRE SAFETY REPORTS	1529
9.7 DEVELOPMENT APPLICATION: 8-10 FITZROY PLACE SURRY HILLS	1531
9.8 DEVELOPMENT APPLICATION: 256-262 MITCHELL ROAD ALEXANDRIA	1533
9.9 DEVELOPMENT APPLICATION: 228 KING STREET NEWTOWN	1568
9.10 DEVELOPMENT APPLICATION: 10 BRIDGE ROAD GLEBE.....	1590
9.11 DEVELOPMENT APPLICATION: 600 BOTANY ROAD ALEXANDRIA	1594
9.12 DEVELOPMENT APPLICATION: 13 BRODRICK STREET CAMPERDOWN.....	1595
9.13 DEVELOPMENT APPLICATION: 18 O'RIORDAN STREET ALEXANDRIA	1596
9.14 DEVELOPMENT APPLICATION: 1-21 BAY STREET - 213 BROADWAY - 23-35A BAY STREET GLEBE - BROADWAY SHOPPING CENTRE	1633
9.15 DEVELOPMENT APPLICATION: 363 GLEBE POINT ROAD GLEBE	1639
9.16 DEVELOPMENT APPLICATION: 71-79 MACQUARIE STREET SYDNEY	1654
10. DELEGATION TO CHINA – OCTOBER AND NOVEMBER 2016.....	1658
11. PROPERTY SERVICES MATTER	1658
12. QUESTIONS ON NOTICE	1659
13. SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS	1664

INDEX TO MINUTES

ITEM	PAGE NO
14. NOTICES OF MOTION.....	1665

PRESENT

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

Councillors - Craig Chung, Christine Forster, Robert Kok, Jess Miller, Prof Kerry Phelps AM, Linda Scott, Jess Scully, Philip Thalys and Angela Vithoukaskas.

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

The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoukaskas.

Councillor Forster left the meeting of Council at 7.05pm prior to discussion on Item 6.4 and returned at 7.11pm at the conclusion of discussion and voting on that item. Councillor Forster was not present at, or in sight of, the meeting of Council during discussion or voting on Item 6.4.

Councillor Thalys left the meeting of Council at 7.58pm prior to discussion on Item 9.7 and returned at 7.59pm at the conclusion of discussion and voting on that item. Councillor Thalys was not present at, or in sight of, the meeting of Council during discussion or voting on Item 9.7.

Councillor Vithoukaskas left the meeting of Council at 8.02pm during discussion on Item 9.8 and returned at 8.08pm during discussion on Item 9.9.

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

Opening Prayer

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

Filming

At this stage of the meeting, the Chair (the Lord Mayor) advised Council that a request had been received from www.BondiRocksMedia.tv to record the proceedings for a documentary.

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

That www.BondiRocksMedia.tv be granted permission to record the proceedings of Council.

Carried unanimously.

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the meeting of Council of Monday 15 August 2016

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

That the minutes of the meeting of Council of Monday 15 August 2016, as circulated to Councillors, be confirmed.

Carried unanimously.

Minutes of the extraordinary meeting of Council of Friday 23 September 2016

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

That the minutes of the extraordinary meeting of Council of Friday 23 September 2016, as circulated to Councillors, be confirmed.

Carried unanimously.

ITEM 2 DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

Councillor Christine Forster disclosed a significant, non-pecuniary interest in Item 6.4 on the agenda. Councillor Forster said that she would not be present for discussion or voting on this item.

(Note. Councillor's Forster's full disclosure was made at the meeting of the Corporate, Finance, Properties and Tenders Committee on 10 October 2016.)

Councillor Philip Thalys disclosed a significant, non-pecuniary interest in Item 9.7 on the agenda. Councillor Thalys said that he would not be present for discussion or voting on Item 9.7.

(Note. Councillor Thalys's full disclosure was made at the meeting of the Planning and Development Committee on 10 October 2016.)

Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 10 on the agenda, in that he is on the Advisory Board for the China Studies Centre at the University of Sydney.

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 10 on the agenda, in that she is employed by the University of Sydney, although not in the China Studies Centre.

(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 CALLINAN REVIEW**FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

In 2011, the City began a two-year program of extensive consultation and detailed research to develop OPEN Sydney, our strategy to boost Sydney's night time economy.

We looked at the way people move around the city, using heat mapping to identify hot spots in Kings Cross and the city centre, consulted with residents, venues, and emergency services to build a deep understanding of the way people use our city at night.

The final strategy laid out more than 250 actions, including late night transport, providing basic facilities like toilets and public space lighting, issuing periodic, renewable liquor licences as occurs in New York and Vancouver to encourage responsible venue management, and increasing late night options like small bars and live music venues.

Our extensive research and consultation detailed a nuanced response to alcohol associated violence and anti-social behaviour. Our approach encourages good venue management, live music, and cultural sectors while protecting residential amenity and safety.

Sydney has one of the largest night time economies in Australia. In 2014, it employed over 31,800 people and generated over \$3.5 billion in revenue.

Rather than addressing the real problems, the NSW government's response - a blanket lockout - was a sledgehammer.

The lockout restrictions hurt Sydney's cultural life, our reputation as a global city and had negative impacts on businesses and tourism - something I hear often from business.

So we welcomed the announcement of a review, but the proposals in the Callinan Review won't help turn things around.

We believe that Mr Callinan's suggestions are unlikely to do much to enrich our nighttime economy or to increase opportunities for live entertainment. Very few, if any, venues would be willing or able to comply with the caveats he has proposed.

If they want a real outcome, the Government must look beyond an extra 30 minutes.

The City strongly supports a rich night time culture that works for people of all ages and for all interests. Our submission to the Callinan Review noted that a safe and sustainable night time economy can be achieved with a range of robust measures.

We do not believe the future of Sydney's night life should be determined as an 'either/or' choice between safety and vibrancy. We can achieve both.

For real change to occur, it is incredibly important that the Government offers a solution that includes all the agencies involved in the night time economy - transport, planning, policing, safety, arts and culture and liquor regulation and administration.

This approach was endorsed in an Action Plan released by the Government in August 2016, created after a series of roundtables initiated by Troy Grant, Deputy Premier and Minister for Justice and Police, to develop plans for a safe and vibrant night-time Sydney.

The City's submission to the Callinan Review includes a 'whole of Government' response. A summary of a range of short/ medium term actions includes:

- Transport – Run train services 24 hours on Friday and Saturday nights;
- Small Bars – Change the liquor licence definition to 120 to support viable patron capacity and align the local controls to licence conditions;
- Live Music – Trial exemption from the 1.30am lockout for live music and live performance venues;
- Saturation Zones – Replace the existing liquor freeze (excluding the Kings Cross precinct) with laws that prevent growth of too many licensed venues in particular areas; and
- Liquor Licences – Continue the periodic liquor licence fee scheme and reduce or remove the loading fee for small bars and live music and performance venues. Establish provision within the Liquor Act for automatic revocation of a liquor licence in a saturation zone on cessation of a business and non-renewal of liquor licences for ongoing non-compliance or representation on the violent venues list.

If, however, the Government is not prepared to implement these recommendations, the City proposes a more effective trial; an exemption from the 1.30am lockout within the Sydney CBD Entertainment area including Oxford Street, while leaving the measures in place for the Kings Cross precinct.

The exemption could apply to the following venues:

- Small bars;
- Restaurants with primary service authorisations;
- Venues providing live entertainment; and
- Venues with a history of good management.

Venues could be required to provide a plan of management to prevent adverse impacts and demonstrate how they would meet relevant criteria such as live entertainment. They would also need to participate in any assessment and evaluation of the trial. Breaches of trial conditions would be grounds for removing a venue's exemption.

Transport

The Callinan Review suggests that the cost to run late night public transport is \$2 million a year.

The City has advocated for the provision and management of safe late-night transport into, and, most importantly, out of night-time trading areas for many years. Transport is critical to a functional, accessible and safe night time economy for both visitors and workers.

I strongly urge the Government to fund a trial of 24 hour public transport on Friday and Saturday nights, similar to the trial currently underway in Melbourne which involves an extra 300 train services, 250 tram services and 485 bus services each weekend.

The trial led to an 11 per cent increase in train use and 9 per cent increase in tram use soon after the trial began.

It is proposed that the NSW Government undertake a trial of extended late night weekend transport services, in particular, the extension of weekend train services.

A trial, as endorsed by the Deputy Premier's Sydney Night Time Economy Round Table, should be conducted in conjunction with a comprehensive feasibility study that considers demand, awareness, financial viability, potential impacts on service levels across a 24 hour network and intermodal connections for extended weekend services across all modes of transport – trains, buses, ferries and light rail – and across metropolitan Sydney. Such a feasibility study will inform and ensure integrated, long term night time transport planning for both visitors and workers in Sydney.

RECOMMENDATION

It is resolved that Council:

- (A) call on the NSW Government to implement the City's recommendations to the Callinan Review and end the 1.30am lockout by adopting a more nuanced response with better venue management, more Police and transport, changes to the Planning system, the promotion of live music and cultural sectors and the protection of residential amenity and safety;
- (B) call on the NSW Government to trial an exemption from the 1.30am lockout within the Sydney CBD Entertainment area, which includes Oxford Street, while leaving the measures in place for the Kings Cross precinct if they are not prepared to adopt the full suite of recommendations proposed by the City; and
- (C) call on the NSW Government to undertake a trial of extended late night weekend transport services during this upcoming summer, in particular, the extension of weekend train services with a comprehensive feasibility study conducted that considers demand, awareness, financial viability, potential impacts on service levels across a 24 hour network and intermodal connections for extended weekend services across all modes of transport – trains, buses, ferries and light rail – and across metropolitan Sydney.

COUNCILLOR CLOVER MOORE
Lord Mayor

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

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

Carried unanimously.

ITEM 3.2 AUSGRID TREE PRUNING**FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

The City's urban canopy helps make our city liveable for our residents and workers. Street trees benefit the community's health, remove pollutants from the air, create shade in the hot summer months and enhance general wellbeing. In densely populated areas, trees can also provide privacy.

There are currently around 81,000 trees in the City of Sydney area. Our last canopy measurement in 2013 found that the Local Government Area (LGA) has a 17.1 per cent canopy cover. This is up from just over 15 per cent in 2008.

Over the past 11 years, more than 11,431 street trees have been planted throughout the local area as part of our commitment in Sustainable Sydney 2030 to increase the local area's green canopy by 50 per cent to 23.5 per cent in total.

Street trees need to be pruned occasionally to maintain the security of the overhead electricity wires. However, I share the concerns of residents about the disgraceful way in which Ausgrid's contractors mutilate trees.

The methods breach the Australian Standard for the Pruning of Amenity Trees. Of particular concern is:

- the 'pruning' is excessive and unnecessary and, far from being based on a risk management approach, it is simply "one size fits all";
- Ausgrid's approach takes no account of tree species and growth rates, formative pruning that may have been carried out by local authorities, tree location, maintenance regime or risk of failure;
- Ausgrid contractors effectively use 'lopping', the removal of branches to a designated clearance and not to a branch collar or other growth point. This is described as an 'unacceptable practice' in the Australian Standard for the Pruning of Amenity Trees; and
- lopping is more expensive than a more environmentally sensitive approach would be. The harder a tree is cut the faster the regrowth. So the practice implemented by Ausgrid increases the cost of pruning as the trees require more frequent visits. The approach not only fails in terms of the environment and urban amenity, but economically.

Ausgrid's mutilation of trees is controversial throughout the areas in which it occurs. On 12 October 2016, the Member for Summer Hill, Jo Haylen MP, moved a motion in the NSW Parliament calling on the Baird Government to hold an urgent parliamentary inquiry into "the butchering of trees across the inner west" by Ausgrid contractors. The motion followed a public meeting in Haberfield the previous month that was attended by over 100 people in response to Ausgrid pruning in that suburb.

When questioned about their approach, Ausgrid makes spurious claims to justify the extensive pruning, such as the risk of children climbing trees and getting electrocuted. I have seen no evidence to support this claim. On 13 October 2016, the Member for Sydney, Alex Greenwich MP, asked a number of questions in State parliament about Ausgrid's pruning practices and the claims they have made to justify them. I look forward to the responses.

Lopping in the City's LGA stopped in mid-2016 after representations from the City but continues in the inner west and north shore. We remain concerned that the Ausgrid pruning program for 2017 in the City may include destructive practices, such as lopping in the absence of a formal commitment not to.

Ultimately, the solution is to place power lines underground, something I have been calling for as Lord Mayor and as State MP since 2001. Underground power lines would remove the need to mutilate street trees and provide future generations with a permanent legacy of greater energy reliability, improved safety and a better urban environment. It will bring us into step with other Australian capitals, and major international cities such as London New York, Paris and Rome.

I will write to the Premier requesting that he begin this important work as soon as possible. I will also write to the President of Local Government NSW (LGNSW), Councillor Keith Rhoades, urging LGNSW to run a state-wide campaign on this issue, given it affects communities across our State.

To avoid further mutilation of trees by Ausgrid contractors in the interim, I will seek a formal commitment from Ausgrid that their contractors will use best practice - as defined by the City of Sydney in conjunction with other Councils and major industry associations - when pruning trees, and abide by the Australian Standard for the Pruning of Amenity Trees. This would rule out destructive practices, such as lopping.

I will also urge the Premier to insist that contract conditions attached to the recent leasing of 50.4 per cent of the Ausgrid network includes clear conditions for the successful lessee that tree pruning must be in accordance with best practice and follow the Australian Standard for the Pruning of Amenity Trees.

RECOMMENDATION

It is resolved that Council:

- (A) note the destructive tree pruning practices used by Ausgrid contractors which:
- (i) are excessive, unnecessary, and not based on a risk management approach, but simply "one size fits all";
 - (ii) take no account of tree species and growth rates, formative pruning that may have been carried out by local authorities, tree location, maintenance regime or risk of failure;
 - (iii) effectively use 'lopping' which is described as an 'unacceptable practice' in the Australian Standard for the Pruning of Amenity Trees, increasing the cost of pruning as the trees require more frequent visits and thus failing not only in terms of the environment and urban amenity, but economically; and

- (iv) is not based on evidence, but on spurious claims, such as the risk of children climbing trees and being electrocuted;
- (B) note that the best way to avoid tree mutilation while providing greater energy reliability, improved safety and a better urban environment is to place power lines underground;
- (C) request the Lord Mayor write to the Premier seeking a commitment that:
 - (i) power lines in NSW will be placed underground as a matter of urgency; and
 - (ii) the contract for the leasing of 50.4 per cent of the Ausgrid network include conditions that pruning of trees across the network be in accordance with best practice and compliant with the Australian Standard for the Pruning of Amenity Trees;
- (D) request the Lord Mayor write to Ausgrid seeking a written assurance that any pruning of trees be in accordance with best practise, compliant with the Australian Standard for the Pruning of Amenity Trees (which requires pruning be undertaken by third parties with Arboriculture qualifications - not 'tree loppers'); and
- (E) request the Lord Mayor write to the President of Local Government NSW, Councillor Keith Rhoades, asking Local Government NSW to run a state-wide campaign about compliance of electricity networks with the Australian Standard for the Pruning of Amenity Trees.

COUNCILLOR CLOVER MOORE
Lord Mayor

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

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

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

That the motion be amended by the addition of the clauses (F), (G) and (H) as follows -

- (F) note:
 - (i) the NSW State Government's announcement to remove 60 trees from the Surry Hills area to allow construction of the Sydney Light Rail Project through Surry Hills;
 - (ii) the NSW State Government's removal of almost 400 trees since commencement of construction of the Sydney Light Rail Project; and
 - (iii) the City's contribution of \$220 million towards the Sydney Light Rail Project;
- (G) subject to any constraints imposed by the terms and conditions of relevant agreements with Transport for NSW, withhold funding of the project until all options to save these trees from removal have been explored with the NSW State Government; and
- (H) provide evidence of the options taken to save the trees, and how many trees have been saved as a result, on the City's website.

The Chair (the Lord Mayor) ruled the amendment out of order, it being unrelated to the motion (Part 8.8(3) of the Code of Meeting Practice).

The motion was carried unanimously.

ITEM 3.3 SUPPORT FOR SAVE OUR SIRIUS CAMPAIGN

FILE NO: S051491

MINUTE BY THE LORD MAYOR

To Council:

The Sirius building, located in The Rocks, is a Sydney landmark. Anyone who has crossed the Harbour Bridge knows this building, although not everyone understands its significance and why it is so loved.

Completed in 1980 by Housing Commission architect Tao (Theodore) Gofers, the Sirius building was built to provide homes for low-income residents displaced by development in The Rocks. It was built following the 1970's Green Bans and community opposition to plans by the Sydney Cove Redevelopment Authority to demolish the historic buildings along the western side of Circular Quay in order to build high-rise office towers.

The Green Bans heralded the enactment by the Wran Government of heritage legislation to stop the demolition of buildings with heritage significance.

Sirius is an example of Brutalist architecture – a blocky geometric style from the 1950s-1970s which is typically concrete – and is included on the National Trust register as a fine example of its style, significant because of its 'use of off-the-form concrete and the stacking of cubic components to create a harmonious whole'.

The Sirius continues to have strong significance to the present-day community of Millers Point, The Rocks and beyond, particularly in the current context of the NSW program of public housing sales. The Government's sales program continues to displace the most vulnerable members of our community, despite an urgent need for social housing and diversity in the City. Sirius is included in the sales program, with all but seven of its previous 99 residents relocated.

Heritage listing

Heritage listing for the Sirius will preserve this distinctive part of Sydney's heritage, and ensure that the Government cannot replace it with a block of luxury waterfront apartments.

In response to the nomination of the building for heritage listing by the National Trust, the City made a submission strongly in support of the state heritage listing as a landmark example of Brutalist architecture, with social and historical value. The Sirius is located beyond the City's planning boundary and cannot be locally listed in our LEP.

I wrote to the NSW Minister for Environment and Heritage Mark Speakman urging him to give due weight to the social and economic benefits of listing the Sirius – the contribution to local character, social cohesion and cultural life and the importance of these qualities for a global city. I also requested that he consider that property value assumptions can often underestimate the value of a listed property and the market appeal of built character.

In December 2015, the Heritage Council of NSW recommended to the Minister the heritage listing of Sirius, based on two key criteria of aesthetics and rarity. They also noted the social significance of the building and its association with the 1970's Green Bans.

Decision by the Minister for Heritage

On 31 August 2016, the Heritage Minister announced he would not list the Sirius building, stating:

'I am not listing it because whatever its heritage value, even at its highest that value is greatly outweighed by what would be a huge loss of extra funds from the sale of the site, funds the government intends to use to build social housing for families in great need.'

The Minister's ruling undermines the very purpose of heritage legislation.

The refusal to list Sirius flies in the face of recommendations to support listing by his own Heritage Council, the Institute of Architects, the National Trust, heritage staff at the City of Sydney and the community.

The Minister's decision sets a dangerous precedent; what heritage building is safe if heritage value can be set aside whenever a Minister decides the funds from its sale are worth more to the Government of the time? It is for this precise reason heritage legislation exists.

In his decision, the Minister stated that sale of the site could raise 'in the order of' \$70 million', if the building were unencumbered by heritage listing. The Government must have formulated a redevelopment proposal to make this calculation and should, in the name of transparency, release the proposal and valuation for public scrutiny

Save our Sirius

The 'Save our Sirius Group' was formed by residents of Sirius, Millers Point and The Rocks. The group champions the social significance of public housing, including the importance for local residents to live and to age in place with dignity, and as an exemplary example of Brutalist architecture.

Chaired by Shaun Carter, NSW President of the Australian Institute of Architects, it has been successful in mobilising the community and in a very short time crowdfunding \$50,000 - enough to support the commencement of legal proceedings against the Ministers decision.

The 'Save our Sirius' legal proceedings against the Minister's decision are likely to be lodged by the Environmental Defenders Office (EDO) by the end of the month.

If successful, these proceedings will reconfirm the objectives of heritage legislation and hold the NSW Government to account in its future consideration of heritage listings in the city and state. This is especially critical in the city where there is the potential for public assets with high redevelopment value to also warrant heritage listing.

Green Ban

On 14 September, forty years after the Green Bans of the 1970s, the Save our Sirius announced the placing of a Green Ban by the CFMEU on the Sirius to stop its sale and demolition. This is symbolic given the history of the Sirius - a building born out of the Green Bans, which is now being protected by one.

I was proud to speak at this announcement in support of the Green Ban, alongside Jack Munday, the environmental activist who led the NSW Builders Labourers Federation in the 1970 Green Bans.

On 17 September, I also spoke at the 'Save our Sirius' Rally - a march from Customs House to the Sirius – which was attended by 1,500 people, angry about the Minister's decision and anxious about the future of heritage protection of public assets in NSW as well as protection of social housing in our City.

City support

If successful, these proceedings will require the NSW Government to reconsider their decision about the Sirius, avoiding a precedent that would compromise the future of other high value buildings with heritage significance in the pursuit of increased profits. I propose that the City support this group, and that City staff provide legal and communications support and advice.

The City has commissioned its own legal opinion on the prospects of successfully overturning the Minister's decision in the courts. This report, when received, will be forwarded to the 'Save our Sirius' group.

I propose the City will also provide further communications advice to 'Save our Sirius' and legal advice if required, subject to the approval of the CEO. It is expected advice will be intermittent and will not require dedicated staff or budget. If this changes, I will seek approval from Council for a budget.

While 'Save Our Sirius' has raised enough funds to lodge an appeal, in the future they may require additional funding if, for example, there are further appeal proceedings. If this occurs, I may also propose that Council provide financial support for the EDO or Save the Sirius.

RECOMMENDATION

It is resolved that Council:

- (A) support the retention of the Sirius building and its continued use for social housing;
- (B) affirm support for proceedings taken by the 'Save Our Sirius' group appeal against the Minister's decision to not include the Sirius on the State heritage register and allow its demolition, despite the unanimous support of the NSW Heritage Council;
- (C) support the provision of legal and communications advice to 'Save Our Sirius', subject to the approval of the CEO; and
- (D) call on the NSW Government to disclose the planning basis upon which the valuations for the sites uplift value is based.

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.

Procedural Motion

Moved by Councillor Forster -

That, under clause 250(4) of the Local Government (General) Regulation 2005, the motion be now put.

The Chair (the Lord Mayor) then put the procedural motion.

The procedural motion was lost on the following show of hands -

Ayes (2) Councillors Chung and Forster.

Noes (8) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukas.

Procedural motion lost.

The motion was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukas.

Noes (2) Councillors Chung and Forster.

Motion carried.

ITEM 3.4 PROUDLY POKIES FREE CAMPAIGN

FILE NO: S051491

MINUTE BY THE LORD MAYOR

To Council:

Last night, (Sunday 23 October 2016) the Proudly Pokies Free campaign, directed at reducing the harm caused by the pokies in Australia, was launched at the Oxford Art Factory, a leading Sydney live music venue, with the support of the Whitlam's Tim Freedman and several leading bands.

The campaign has been initiated by Tom and Anna Lawrence whose late father, Neil Lawrence, produced the documentary *Ka-Ching: Pokie Nation*, which exposed the gaming machines industry.

Proudly Pokies Free aims to raise awareness about the negative impacts of poker machines on the Australian community. Research for the campaign has found that Australia has 20 per cent of the world's poker machines, even though Australians constitute only 0.3 per cent of the global population. Apart from Nevada (Las Vegas), NSW has more pokies than any other state in the world.

Around \$12 billion is lost through gambling on poker machines every year, with 40 per cent of these losses by people with a gambling problem. An estimated 300,000 people are addicted to poker machine gambling in Australia, with seven additional people affected for every one problem gambler. Most concerning is the revelation that people aged between 18 and 24 spend more on poker machines than any other age group.

Poker machines have had an adverse impact on Sydney's live entertainment offering. The past three decades has seen entertainment rooms in hotels being converted into gaming rooms, with lost opportunities for live music, pub theatre and cabaret.

The goals for the Proudly Pokies Free Campaign are:

- to have less people playing pokies;
- to provide support for venues that are proudly pokies free; and
- to encourage harm reduction by supporting legislative change.

They aim to do all this by raising awareness of the damage that pokies cause, by promoting venues that don't have pokies and by campaigning for pokies reform.

The Proudly Pokies Free campaign complements our OPEN Sydney Strategy in that it is seeking to promote a safe, inclusive and diverse night time economy. It is a campaign I strongly support.

RECOMMENDATION

It is resolved that Council support the Proudly Pokies Free campaign by raising awareness about it through the City's website, media and social media networks.

COUNCILLOR CLOVER MOORE
Lord Mayor

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

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

Carried unanimously.

Order of Business

At this stage of the meeting, in accordance with Clause 239(2) of the Local Government (General) Regulation 2005, Council resolved that the Order of Business be altered such that Item 9.3 be brought forward and dealt with before Item 4.1.

ITEM 9.3

POST EXHIBITION - OUTDOOR DINING AND DISPLAYS OF GOODS ON THE FOOTWAY (S060627-02)

The Transport, Heritage and Planning Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 24 October 2016.

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

It is resolved that:

- (A) Council note the matters raised during the public exhibition, shown at Attachment A to the subject report;
- (B) Council adopt the Outdoor Dining Policy and Outdoor Dining Guidelines, as amended and shown at Attachments B and C, respectively, to the subject report;
- (C) Council note that, if adopted, the Outdoor Dining Policy and the Outdoor Dining Guidelines will rescind and replace Council's Outdoor Café Policy 2001 in the area to which it applies;
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to correct drafting errors in the Outdoor Dining Policy and Outdoor Dining Guidelines prior to finalisation;
- (E) Council endorse the Outdoor Dining Action Plan, shown at Attachment D to the subject report, and request that the Chief Executive Officer report back to Council on the implementation of the Outdoor Dining Action Plan;
- (F) Council amend the register of Delegations from the Council to the Chief Executive Officer to align the approvals delegation and the owner's consent delegation with the maximum seven year approval period in the Outdoor Dining Policy at Attachment B;
- (G) Council, noting the matters raised during public exhibition, endorse the Local Approvals Policy for the Display of Goods, as amended and shown at Attachment E to the subject report, and:
 - (i) seek concurrence from the Office of Local Government for the exemptions set out in Part 1 of the draft Local Approvals Policy in accordance with the Local Government Act 1993; and
 - (ii) seek concurrence from Roads and Maritime Services to issue a general approval under the Roads Act 1993 for the use of the footway;
- (H) Council approve the Planning Proposal: Sydney Local Environmental Plan 2012 – Exempt Development – Displays of Goods on the Public Footway, shown at Attachment F to the subject report:

- (i) for submission to the Greater Sydney Commission with a request for a Gateway Determination; and
 - (ii) for public authority consultation and public exhibition in accordance with the Gateway Determination;
- (I) Council seek authority from the Greater Sydney Commission to exercise the delegation of the Greater Sydney Commission for all of the functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan to put into effect Planning Proposal: Sydney Local Environmental Plan 2012 – Exempt Development – Displays of Goods on the Public Footway;
- (J) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal: Sydney Local Environmental Plan 2012 – Exempt Development – Displays of Goods on the Public Footway following receipt of the Gateway Determination; and
- (K) Council note that the Local Approvals Policy for the Display of Goods will be reported back to Council for adoption on completion of the steps outlined in clause (F) and following exhibition of the planning proposal referred to in clause (G).

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

That the motion be amended by:

- the addition of the following new clauses (B) and (C) and the subsequent renumbering of all following clauses:
 - (B) Council amend the last point under the heading “Policy statement” on page 3 of the Outdoor Dining Policy, shown at Attachment B to the subject report, to read as follows:
 - “- charge a fee for use of the footway as set out in Council’s Fees and Charges, only within Zone 1 of the City’s outdoor seating zones (Circular Quay, city centre).”
 - (C) Council amend clause 7.2 on page 16 of the Outdoor Dining Guidelines, shown at Attachment C to the subject report, to read as follows:
 - “7.2 Approval will be subject to a condition that a rental fee will be paid for the use of the footway, only within Zone 1 of the City’s outdoor seating zones (Circular Quay, city centre).”
- the amendment of existing clause (B), to be renumbered (D), such that it read as follows:
 - (D) Council adopt the Outdoor Dining Policy and Outdoor Dining Guidelines, as amended above, and shown at Attachments B and C, respectively, to the subject report.

The amendment was lost on the following show of hands –

Ayes (2) Councillor Chung and Forster

Noes (8) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukás.

Amendment lost.

The motion was carried on the following show of hands –

Ayes (9) The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scully, Thalís and Vithoukás

Noes (1) Councillor Scott.

Motion carried.

Speakers

Ms Nicole Holmes, Ms Susan Thompson, Ms Chris Newton and Ms Samantha French addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.3.

Adjournment

At this stage of the meeting, at 6.43pm, 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 7.01pm, those present were –

The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukás.

ITEM 4.1. POWERS OF ATTORNEY**FILE NO: S000107****MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER**To Council:

A Resolution of Council is sought to:

1. revoke a number of redundant Power of Attorney instruments; and
2. grant a new Power of Attorney to:
 - the General Counsel and Director Legal and Governance, Anthony Patrick Lenehan;
 - the Chief Financial Officer, William Ross Carter; and
 - the Chief Operating Officer, Kim Philip Woodbury.

Background

At present, the Council's attorneys are:

- Patricia Monica Barone (CEO), by resolution of 1 June 2009;
- John Charles Barbeler, by resolution of 18 October 2004;
- Marcia Claire Doheny, by resolution of 3 August 2009; and
- Garry William Harding, by resolution of 9 September 2008.

It is appropriate that the Power of Attorney granted to John Charles Barbeler is revoked because he is no longer employed by the Council.

It is appropriate that the Power of Attorney granted to Marcia Claire Doheny is revoked because she is no longer employed by the Council.

It is appropriate that the Power of Attorney granted to Garry William Harding is revoked because he is no longer employed by the Council.

It is appropriate that a new Power of Attorney be granted to Anthony Patrick Lenehan to enable him to effectively and efficiently carry out his duties.

It is appropriate that a new Power of Attorney be granted to Kim Philip Woodbury to enable him to effectively and efficiently carry out his duties.

It is appropriate that a new Power of Attorney be granted to William Ross Carter to enable him to effectively and efficiently carry out his duties.

RECOMMENDATION

It is resolved that:

Existing Power of Attorney noted and confirmed

- (A) the Power of Attorney granted to Patricia Monica Barone be noted and confirmed;

Revocation of Power of Attorney instruments

- (B) the Power of Attorney granted to John Charles Barbeler be revoked in the form of Attachment A to this Memorandum which is to be executed under the Common Seal of Council;
- (C) the Power of Attorney granted to Marcia Claire Doheny be revoked in the form of Attachment B to this Memorandum which is to be executed under the Common Seal of Council;
- (D) the Power of Attorney granted to Garry William Harding be revoked in the form of Attachment C to this Memorandum which is to be executed under the Common Seal of Council;

Appointment of Power of Attorney

- (E) a new Power of Attorney be granted to Anthony Patrick Lenehan in the form of Attachment D to this Memorandum which is to be executed under the Common Seal of Council;
- (F) a new Power of Attorney be granted to Kim Philip Woodbury in the form of Attachment E to this Memorandum which is to be executed under the Common Seal of Council; and
- (G) a new Power of Attorney be granted to William Ross Carter in the form of Attachment F to this Memorandum which is to be executed under the Common Seal of Council.

MONICA BARONE
Chief Executive Officer

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

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 Phelps –

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

Carried unanimously.

5.2 Correspondence

Councillor Forster tabled the following correspondence:

- (a) a letter dated 19 October 2016 from Councillor Forster to the Premier regarding the Callinan Review; and
- (b) a letter dated 6 October 2016 from John Sidoti MP, Parliamentary Secretary for Transport and Roads, in response to a letter Councillor Forster had written to the Minister for Roads, Maritime and Freight in accordance with the Resolution of Council of 27 June 2016 (Item 9.6) regarding 15 minutes free parking.

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

It is resolved that the correspondence tabled by Councillor Forster be received and noted.

Carried unanimously.

ITEM 6 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 10 OCTOBER 2016

PRESENT

Councillor Clover Moore
(Chair)

Deputy Lord Mayor, Councillor Prof Kerryn Phelps AM
(Deputy Chair)

Councillors Christine Forster, Robert Kok, Jess Miller, Linda Scott, Jess Scully, Philip Thalys and Angela Vithoulkas.

At the commencement of business at 2.03pm those present were -

The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoulkas.

Councillor Forster arrived at the meeting of the Corporate, Finance, Properties and Tenders Committee at 2.04pm prior to discussion on Item 6.1.

Councillor Forster left the meeting of the Corporate, Finance, Properties and Tenders Committee at 2.08pm prior to discussion on Item 6.4 and returned at 2.12pm at the conclusion of discussion on that item. Councillor Forster was not present at, or in sight of, the meeting of the Corporate, Finance, Properties and Tenders Committee during discussion and voting on Item 6.4.

Apologies

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

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

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

Carried unanimously.

Closed Meeting

At 2.42pm, the Corporate, Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss confidential Attachment A to Item 6.15 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 concluded at 2.56pm.

Report of the Corporate, Finance, Properties and Tenders Committee

Moved by Councillor Phelps, seconded by Councillor Forster -

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 10 October 2016 be received, and the recommendations set out below for Items 6.2, 6.3, 6.5, 6.6 and 6.8 to 6.16 inclusive be adopted, with Item 6.1 being noted, and Items 6.4 and 6.7 being dealt with as shown immediately following those items.

Carried unanimously.

ITEM 6.1

DISCLOSURES OF INTEREST

Councillor Christine Forster disclosed a significant, non-pecuniary interest in Item 6.4 on the agenda, in that she has recently signed an employment contract with Woodside Petroleum, a producer of oil and gas. Councillor Forster said that she would not be present for discussion or voting on this item.

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

The Committee recommended the following:

ITEM 6.2

INVESTMENTS HELD AS AT 31 AUGUST 2016 (X005605)

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

Carried unanimously.

ITEM 6.3

INVESTMENTS HELD AS AT 30 SEPTEMBER 2016 (X005604)

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

Carried unanimously.

ITEM 6.4

REVIEW OF THE INVESTMENT POLICY AND STRATEGY FOR THE MANAGEMENT OF COUNCIL'S SURPLUS FUNDS (X005605)

It is resolved that Council adopt the revised Investment Policy and Investment Strategy for the management and investment of Council's surplus funds, as shown in Attachments A and B to the subject report, subject to, in Attachment A, the first sentence under the heading "Environmentally and socially responsible investments" reading as follows:

Subject to compliance with legislation and investment policy objectives and parameters, the City preferences investment securities and financial institutions that meet our socially responsible investments (SRI) criteria.

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

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

Carried unanimously.

Speakers

Ms Gillian Reffell addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.4

ITEM 6.5

PRESENTATION OF THE 2015/16 FINANCIAL STATEMENTS TO COUNCIL (S115002.002)

It is resolved that Council:

- (A) receive the Financial Statements for City of Sydney for the year ended 30 June 2016, as shown at Attachment A to the subject report;
- (B) authorise the Lord Mayor, the Deputy Chair of the Corporate, Finance, Properties and Tenders Committee, Chief Executive Officer, and the Chief Financial Officer to sign the General Purpose Financial Statements;
- (C) authorise the Lord Mayor, the Deputy Chair of the Corporate, Finance, Properties and Tenders Committee, Chief Executive Officer, and the Chief Financial Officer to sign the Special Purpose Financial Statements;
- (D) receive the auditor's reports on the 2015/16 Annual Financial Statements; and
- (E) authorise that notice be given, by newspaper advertisement, of public presentation of the audited 2015/16 Financial Statements for the City of Sydney at the Council meeting on 21 November 2016.

Carried unanimously.

(Note – At the meeting of the Corporate, Finance, Properties and Tenders Committee, Ms Elizabeth Crouch, Chair of the Audit Risk and Compliance Committee and Mr Dennis Banicevic from Pricewaterhouse Coopers were invited to address the meeting of the Corporate, Finance, Properties and Tenders Committee on the 2015/16 Financial Statements.

Ms Crouch and Mr Banicevic addressed the Corporate, Finance, Properties and Tenders Committee on the 2015/16 Financial Statements.)

ITEM 6.6**DRAFT COUNCILLORS' EXPENSES AND FACILITIES POLICY 2016/17 - PUBLIC EXHIBITION (S048524)**

It is resolved that Council approve for public exhibition, for a period of at least 28 days, the draft Councillors' Expenses and Facilities Policy 2016/17, shown at Attachment A to the subject report.

Carried unanimously.

ITEM 6.7**NAMING PROPOSAL - ROBYN KEMMIS RESERVE (X004851)**

It is resolved that:

- (A) Council approve the name "Robyn Kemmis Reserve" for the pocket playground located on Franklyn Street, Glebe; and
- (B) an application be made to the Geographical Names Board for the naming of the Reserve as approved in clause (A), in accordance with the Geographical Names Act 1996.

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

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

Carried unanimously.

Note. The Chair (the Lord Mayor) and the Deputy Lord Mayor acknowledged and welcomed Lynne Hutton-Williams, the long-time partner of Robyn Kemmis, who was in the gallery.

ITEM 6.8**EXEMPTION FROM TENDER – FRONTIER SOFTWARE (S122001.001)**

It is resolved that:

- (A) as a satisfactory result would not be achieved by inviting tenders because of the unavailability of competitive tenders, Council grant an exemption from tender for annual renewal over a five year period, with the option of an extension of a further five year period, if appropriate, of the maintenance and support agreement with Frontier Software;
- (B) Council accept the Software and Services Agreement, as outlined in confidential Attachment A to the subject report, for annual renewal over a five year period, with the option of an extension of a further five year period, if appropriate;

- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer (including exercising options) the maintenance and support agreements with Frontier Software Pty Ltd; and
- (D) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (B), if appropriate, and negotiate the price to extend the maintenance and support agreements accordingly.

Carried unanimously.

ITEM 6.9

EXEMPTION FROM TENDER - PARKING METER SERVICE AND MAINTENANCE (X006775)

It is resolved that:

- (A) Council approve an exemption to tender in accordance with section 55(3)(i) of the Local Government Act 1993 noting that, because of the unavailability of competitive or reliable tenderers, a satisfactory result would not be achieved by inviting tenders to provide service and maintenance of the City's ticket machines;
- (B) Council note the reasons why a satisfactory result would not be achieved by inviting tenders are:
 - (i) going to tender would not deliver a competitive process due to the inability of any other tenderer to provide service inclusive of an integrated management and reporting system using the existing hardware; and
 - (ii) the service includes provision of compliant payment gateway processing, which can only be enabled by the same provider as that providing the management system;
- (C) Council enter into a contract with the existing service and maintenance contractor for a maximum five year term (three years plus two options of one year each, subject to satisfactory performance); and
- (D) authority be delegated to the Chief Executive Officer to negotiate and approve the terms of the contract of the services agreement with the contractor provided that the contract is consistent with this resolution.

Carried unanimously.

ITEM 6.10

EXEMPTION FROM TENDER - 343 GEORGE STREET, SYDNEY - ADDITIONAL SCOPE TO LIFT MODERNISATION CONTRACT (S121683)

It is resolved that:

- (A) Council approve exemption from tender for additional scope to completely renew the two lifts (4 and 5) to George Street at 343 George Street, Sydney as a result of extenuating circumstances;

- (B) Council note the reasons why a satisfactory reason would not be achieved by inviting tenders are:
- (i) due to the limited suppliers for lift works of this scale and nature, it is likely that no better result would be achieved based on the initial public tender outcome of February 2015. If the work was to be tendered, Council would face prolonged delays of up to 12 months and incur costs associated with site dis-establishment and re-establishment, as well as reputational risks associated with poor service standard of the aged lifts 4 and 5 within the delayed period; and
 - (ii) the costs of the additional scope aligns comparatively with costs of the previous tender price regardless of cost escalation since early 2015. The costs are fair and reasonable and represent good value for money in the current market. As such, value for money has been demonstrated and it is unlikely that a public tender would produce a better result;
- (C) the current head contingency be extended and funds allocated as detailed in confidential Attachment B to the subject report;
- (D) Council accept the proposal from ThyssenKrupp Elevators Australia for the additional scope of works as contained in Attachment A to the subject report; and
- (E) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the works.

Carried unanimously.

ITEM 6.11

TENDER - COMMUNITY FACILITIES SIGNAGE UPGRADE (S116794)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the community facilities signage upgrade; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

ITEM 6.12

TENDER – TOWN HALL HOUSE LEVEL 4 UPGRADE (S127167)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Town Hall House Level 4 upgrade;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and

- (C) Council approve an increase in budget costs as detailed in confidential Attachment B to the subject report.

Carried unanimously.

ITEM 6.13

TENDER - BENLEDI HOUSE ROOF AND STORMWATER UPGRADE (S126652)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Benledi house roof and stormwater upgrade; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

ITEM 6.14

TENDER – IRRIGATION MAINTENANCE SERVICES (S051884)

It is resolved that:

- (A) Council accept the tender offer for schedule of rates of Tenderer 'A' for irrigation maintenance services for a period of three years, with the option of an extension of two years, 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 option referred to in clause (A), if appropriate, and negotiate the price to extend the contracts accordingly.

Carried unanimously.

ITEM 6.15

TENDER – APPOINTMENT OF AN OPERATOR FOR THE OPERATION AND MANAGEMENT OF THE SATURDAY MARKET IN FITZROY GARDENS (X005131.002)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the operation of the Saturday Market in Fitzroy Gardens, Potts Point for an initial term of one year, with two, additional 24 month options to be granted at the City's sole discretion (a maximum of five years total);

- (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 contracts accordingly.

Carried unanimously.

ITEM 6.16

TENDER - RECEIPT AND PROCESSING OF RECYCLABLES, ORGANICS, BULKY WASTE, CLEANSING WASTE, E-WASTE AND METALS (X001742.006)

It is resolved that:

- (A) Council reject the tenders received for the receipt and processing of recyclables, garden organics, bulky waste, street cleansing waste for a period of five years, with three extension options of one year each for the reasons set out in confidential Attachment A to the subject report;
- (B) Council reject the tenders received for the receipt and processing of e-waste and metals for a period of four years, with three extension options of one year each for the reasons set out in confidential Attachment A to the subject report;
- (C) Council not invite fresh tenders, as it is considered that inviting fresh tenders would be unlikely to deliver a better result;
- (D) authority be delegated to the Chief Executive Officer to enter into negotiations with contractors that are suitably qualified and demonstrate a capability to fully undertake the service specifications;
- (E) authority be delegated to the Chief Executive Officer to enter into a contract, subject to the conclusion of negotiations with suitable companies, for the receipt and processing of recyclables, garden organics, bulky waste, street cleansing waste, e-waste and metals; and
- (F) Council be informed of the successful contractor by CEO Update.

Carried unanimously.

ITEM 7 REPORT OF THE ENVIRONMENT COMMITTEE - 10 OCTOBER 2016

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

Councillor Jess Miller
(Deputy Chair)

Councillors Christine Forster, Robert Kok, Prof Kerryn Phelps AM, Philip Thalys, Linda Scott, Jess Scully and Angela Vithoulkas.

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

The Lord Mayor, Councillors Forster, Kok, Miller, Phelps, Thalys, Scott, Scully and Vithoulkas.

Apologies

Councillor Craig Chung extended his apologies for his inability to attend the meeting of the Environment Committee.

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

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

Carried unanimously.

The meeting of the Environment Committee concluded at 2.58pm.

Report of the Committee

Moved by Councillor Miller, seconded by Councillor Scully -

That the report of the Environment Committee of its meeting of 10 October 2016 be received, with Item 7.1 being noted, and Item 7.2 being dealt with as shown immediately following that item.

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**C40 LARGE CITIES CLIMATE CHANGE SUMMIT – MEXICO CITY 2016 (S122318.001)**

It is resolved that Council:

- (A) endorse the Lord Mayor's international travel to the 2016 C40 Mayors Summit in Mexico City from 30 November to 2 December 2016;
- (B) endorse the Chief Executive Officer and up to three City staff to travel to the 2016 C40 Mayors Summit from 30 November to 2 December 2016;
- (C) endorse, in conjunction with travel to the 2016 C40 Mayors Summit, the Lord Mayor and Chief Executive Officer (accompanied by up to three City staff) to visit New Orleans to learn about that city's leading resilience planning; and
- (D) note that the Lord Mayor will provide a report to Council after the travel.

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

At the meeting of Council, it was moved by Councillor Miller, seconded by Councillor Scully -

It is resolved that Council:

- (A) endorse the Lord Mayor's international travel to the 2016 C40 Mayors Summit in Mexico City from 30 November to 2 December 2016;
- (B) endorse the Chief Executive Officer and up to four City staff to travel to the 2016 C40 Mayors Summit from 30 November to 2 December 2016;
- (C) endorse, in conjunction with travel to the 2016 C40 Mayors Summit, the Lord Mayor and Chief Executive Officer (accompanied by up to four City staff) to visit New Orleans to learn about that city's leading resilience planning; and
- (D) note that the Lord Mayor will provide a report to Council after the travel.

Procedural Motion

Moved by Councillor Forster, seconded by Councillor Chung –

That the motion be split and dealt with in two parts, with amendments, as follows:

- separating clause (C) from the Alternative Recommendation provided in the Relevant to Memo dated 24 October 2016; and
- amending staff numbers back from four to three staff.

Part 1:

It is resolved that Council:

- (A) endorse the Lord Mayor's international travel to the 2016 C40 Mayors Summit in Mexico City from 30 November to 2 December 2016;

- (B) endorse the Chief Executive Officer and up to three City staff to travel to the 2016 C40 Mayors Summit from 30 November to 2 December 2016;
- (D) note that the Lord Mayor will provide a report to Council after the travel.

Part 2:

- (C) endorse, in conjunction with travel to the 2016 C40 Mayors Summit, the Lord Mayor and Chief Executive Officer (accompanied by up to three City staff) to visit New Orleans to learn about that city's leading resilience planning;

The procedural motion was lost on the following show of hands –

Ayes (2) Councillors Chung and Forster.

Noes (8) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukás.

Procedural motion lost.

The motion was carried unanimously.

ITEM 8 REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 10 OCTOBER 2016**PRESENT**

The Lord Mayor Councillor Clover Moore
(Chair)

Councillors Christine Forster, Robert Kok, Jess Miller, Prof Kerry Phelps AM, Linda Scott, Jess Scully, Philip Thalys and Angela Vithoulkas.

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

The Lord Mayor, Councillors Forster, Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoulkas.

Apologies

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

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

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

Carried unanimously.

Adjournment

At 3.20pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Scully -

That the meeting of the Cultural and Community Committee be adjourned for approximately 15 minutes.

Carried unanimously.

At the resumption of the meeting of the Cultural and Community Committee at 3.40pm, those present were –

The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoulkas.

Councillor Forster returned to the meeting of the Cultural and Community at 3.44pm during discussion on Item 8.4.

Sub-Committees

Meetings of the following Sub-Committees of the Cultural and Community Committee commenced at the times shown below.

The Cultural and Creative Sub-Committee, with Councillor Scully as Deputy Chair, commenced at 3.00pm.

The Healthy Communities Sub-Committee, with Councillor Phelps as Deputy Chair, commenced at 3.41pm.

The meeting of the Cultural and Community Committee and all its Sub-Committees concluded at 4.11pm.

Report of the Cultural and Creative Sub-Committee

Moved by Councillor Scully, seconded by Councillor Phelps –

That the report of the Cultural and Creative Sub-Committee of its meeting of 10 October 2016 be received, and the recommendations set out below for Item 8.2 be adopted, with Item 8.1 being noted, and Item 8.3 being dealt with as shown immediately following that item.

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 Cultural and Creative Sub-Committee recommended the following:

ITEM 8.2

ACCOMMODATION GRANT PROGRAM 2016/17 – ALLOCATION OF TENANCY 1, 247 OXFORD STREET PADDINGTON (S117676)

It is resolved that:

- (A) Council approve the following Accommodation Grant Program recommendation pertaining to Tenancy 1, 247 Oxford Street, Paddington:

Organisation	Market Rental Value	Recommended Grant Amount and Subsidy	Conditions
Cobbstar Productions Pty Ltd	\$78,000 per annum	\$67,600 per annum on an 87 per cent subsidy for the term of 1 year and 3 months and ending 31 January 2018.	<ul style="list-style-type: none"> - Applicant to work with Culture and Creativity to identify community partners that could access and share the space; - Applicant to provide a plan of management; and - Applicant to provide revised profit and loss details.

- (B) Council approve the following Accommodation Grant Program eligibility recommendation in the event that Cobbstar Productions Pty Ltd is unable to avail the grant:

Organisation	Market Rental Value	Recommended Grant Amount and Subsidy	Conditions
Wurhu Darhuy Foundation Limited	\$78,000 per annum	\$67,600 per annum on an 87 per cent subsidy for the term of 1 year and 3 months and ending 31 January 2018.	Grant only to be awarded if Cobbstar Productions Pty Ltd is unable to avail grant.

- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for an Accommodation Grant on terms consistent with this resolution and in accordance with the Grants and Sponsorship Policy.

Carried unanimously.

Speakers

Mr Brian Cobb addressed the meeting of the Cultural and Community Committee on Item 8.2.

ITEM 8.3

OXFORD STREET CREATIVE SPACES PROGRAM – REVISED LEASE COMMENCEMENT DATE AND CHANGE OF PREMISES FROM SHOP 17 FOLEY STREET TO SHOP 15 FOLEY STREET (S094174)

It is resolved that:

- (A) Council note that, due to the location of fire services at 17 Foley Street, this property is no longer suitable for use in the Oxford Street Creative Spaces Program;
- (B) Council approve the use of Shop 15 Foley Street in the Oxford Street Creative Spaces Program as per Council's resolution of 29 June 2015 and clauses (C) and (D);
- (C) Council approve a change in the commencement date of leases for the retail premises previously approved by Council's resolution of 29 June 2015 so that leases will commence on completion of capital works, with each lease term being for a maximum of three years; and
- (D) authority be delegated to the Chief Executive Officer to enter into lease/licence agreements for a maximum three year term with the successful tenants of shops 9, 11, 13, 15 and 19-21 Foley Street with a suitable commencement date following completion of the upgrade works.

At the meeting of Council, it was moved by Councillor Scully, seconded by Councillor Thalís –

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

The motion was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Kok, Phelps, Miller, Scott, Scully, Thalys and Vithoukas.

Noes (2) Councillors Chung and Forster.

Motion carried.

Report of the Healthy Communities Sub-Committee

Moved by Councillor Phelps, seconded by Councillor Kok -

That the report of the Healthy Communities Sub-Committee of its meeting of 10 October 2016 be received, with Items 8.4 and 8.5 being dealt with as shown immediately following those items.

Carried unanimously.

The Healthy Communities Sub-Committee recommended the following:

ITEM 8.4

REQUEST TO EXTEND ACCOMMODATION GRANT TO AUSTRALIAN MARRIAGE EQUALITY (S116523)

It is resolved that:

- (A) Council approve the extension of the current Accommodation Grant to Australian Marriage Equality for a furnished and fitted out office space on Level 10, 307 Pitt Street, Sydney, from the present expiry date of 30 November 2016 to a new expiry date of 31 March 2017, which represents a value of up to \$29,440 (exclusive of GST) in forgone market rent;
- (B) Council approve the extension of the current Accommodation Grant to Australian Marriage Equality for a retail space at 122 Oxford Street, Darlinghurst, from the present expiry date of 30 November 2016 to a new expiry date of 31 March 2017, which represents a value of up to \$17,650 (exclusive of GST) in forgone market rent;
- (C) Council approve the waiver of banner pole hire fees (subject to availability) to Australian Marriage Equality for use in the two weeks leading up to the plebiscite up to a value of \$24,180 (exclusive of GST); and
- (D) authority be delegated to the Chief Executive Officer to amend the current Accommodation Grant agreements with Australian Marriage Equality referred to in clauses (A) and (B).

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

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

Carried unanimously.

Speakers

Ms Janine Middleton addressed the meeting of the Cultural and Community Committee on Item 8.4.

ITEM 8.5**COMMUNITY WELLBEING INDICATORS 2016 – ENDORSEMENT FOR PUBLICATION (S095032)**

It is resolved that:

- (A) Council endorse the publication of Community Wellbeing Indicators 2016, as shown at Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to:
 - (i) address minor drafting errors and make other minor updates to Community Wellbeing Indicators 2016 prior to publication;
 - (ii) oversee the ongoing production and publication of community wellbeing indicators reporting; and
 - (iii) review the Community Wellbeing Indicators *Framework* to keep it relevant, maximise access to data available now and harness opportunities presented by new data streams as they continue to become available.

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

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

Carried unanimously.

Speakers

Ms Kerryn Wilmot addressed the meeting of the Cultural and Community Committee on Item 8.5.

ITEM 9 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 10 OCTOBER 2016

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

Councillors Christine Forster, Robert Kok, Jess Miller, Prof Kerry Phelps AM, Linda Scott, Jess Scully, Philip Thalís and Angela Vithoukás.

At the commencement of business at 4.12pm those present were:

The Lord Mayor, Councillors Forster, Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukás.

Councillor Thalís left the meeting of the Planning and Development Committee at 6.37pm, prior to discussion on Item 9.7, and returned at 6.45pm, at the conclusion of discussion on that item. Councillor Thalís was not present at, or in sight of, the meeting of the Planning and Development Committee during discussion or voting on Item 9.7.

Apologies

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

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

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

Carried.

Adjournment

At 5.17pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok -

That the meeting of the Planning and Development Committee be adjourned for approximately 10 minutes.

Carried.

At the resumption of the meeting of the Planning and Development Committee at 5.30pm, those present were:

The Lord Mayor, Councillors Forster, Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukás.

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 Thalís as Deputy Chair, commenced at 4.14pm.

The Major Development Assessment Sub-Committee, with Councillor Kok as Deputy Chair, commenced at 5.58pm.

The Development Assessment Sub-Committee, with Councillor Thalys as Deputy Chair, commenced at 6.58pm.

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
3. Post Exhibition – Outdoor Dining and Displays of Goods on the Footway
2. Post Exhibition – 12-40 Rosebery Avenue and 108 Dalmeny Avenue Rosebery – Planning Proposal and Draft Amendment to Sydney Development Control Plan 2012
4. Public Exhibition – Planning Proposal – Serviced Apartments – Amendments to Sydney Local Environmental Plan 2012 – Sydney Local Environmental Plan 2005 – Sydney Local Environmental Plan-Green Square Town Centre-2013 and Sydney Local Environmental Plan-Green Square Town Centre Stage 2-2013
5. Public Exhibition – 2-32 Junction Street Forest Lodge – Planning Proposal and Sydney Development Control Plan 2012 Amendment
6. Fire Safety Reports
8. Development Application: 256-262 Mitchell Road Alexandria
7. Development Application: 8-10 Fitzroy Place Surry Hills
9. Development Application: 228 King Street Newtown
10. Development Application: 10 Bridge Road Glebe
11. Development Application: 600 Botany Road Alexandria
12. Development Application: 13 Brodrick Street Camperdown
13. Development Application: 18 O’Riordan Street Alexandria
15. Development Application: 363 Glebe Point Road Glebe
16. Development Application: 71-79 Macquarie Street Sydney
14. Development Application: 1-21 Bay Street – 213 Broadway – 23-35A Bay Street Glebe – Broadway Shopping Centre

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 7.10pm.

ITEM 9.1

DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

Councillor Philip Thalys disclosed a significant, non-pecuniary interest in Item 9.7 on the agenda in that he knew one of the objectors to the development application the subject of that item. Councillor Thalys stated that he would not be present for discussion or voting on Item 9.7.

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

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

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

Report of the Transport, Heritage and Planning Sub-Committee

Moved by Councillor Thalys, seconded by Councillor Phelps -

That the report of the Transport, Heritage and Planning Sub-Committee of its meeting of 10 October 2016 be received, with Item 9.1 being noted, the recommendations set out below for Items 9.4 to 9.6 inclusive being adopted, the alternative recommendation for Item 9.2 being adopted, and Item 9.3 being dealt with as shown immediately following that item, noting that Item 9.3 was dealt with at an earlier stage of the meeting.

Carried unanimously.

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

ITEM 9.2

**POST EXHIBITION - 12-40 ROSEBERY AVENUE AND 108 DALMENY AVENUE
ROSEBERY – PLANNING PROPOSAL AND DRAFT AMENDMENT TO SYDNEY
DEVELOPMENT CONTROL PLAN 2012 (S114564)**

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition and public authority consultation of Planning Proposal: 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery and draft Sydney Development Control Plan 2012 – 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery Amendment, as shown at Attachment E to the subject report;
- (B) Council approve Planning Proposal: 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery, as shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve draft Sydney Development Control Plan 2012 – 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery Amendment, as shown at Attachment B to the subject report, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan; and
- (D) authority be delegated to the Chief Executive Officer to amend the planning proposal and development control plan to correct any minor errors or omissions.

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

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition and public authority consultation of Planning Proposal: 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery and draft Sydney Development Control Plan 2012 – 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery Amendment, as shown at Attachment E to the subject report;
- (B) Council approve Planning Proposal: 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery, as shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve draft Development Control Plan 2012 – 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery Amendment, as shown at Attachment B to the subject report, subject to the following revisions, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan:
 - (i) change the 6 metre wide easement for public access on the northern boundary of the subject site to 12 metre wide public domain dedication for a street. Add a provision noting that the design and access arrangements of the street are subject to approval by the relevant roads authority and that, should approval not be granted, the land will be used for a pedestrian through site link;
 - (ii) increase the public domain dedication for a street on the southern boundary of the site from 7 metres to 12 metres; and
 - (iii) amend setbacks and building footprints on the subject site and adjacent sites, as required, to accommodate the additional public domain dedication, noting that this will not require any amendment to maximum building heights or floor space; and
- (D) authority be delegated to the Chief Executive Officer to amend the planning proposal and development control plan to correct any minor errors or omissions and reflect the revisions described in clause (C).

Carried unanimously.

ITEM 9.3

POST EXHIBITION - OUTDOOR DINING AND DISPLAYS OF GOODS ON THE FOOTWAY (S060627-02)

Note – this item was dealt with at an earlier stage of the meeting (see page 1502).

ITEM 9.4

PUBLIC EXHIBITION - PLANNING PROPOSAL – SERVICED APARTMENTS-AMENDMENTS TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - SYDNEY LOCAL ENVIRONMENTAL PLAN 2005 - SYDNEY LOCAL ENVIRONMENTAL PLAN-GREEN SQUARE TOWN CENTRE-2013 AND SYDNEY LOCAL ENVIRONMENTAL PLAN-GREEN SQUARE TOWN CENTRE STAGE 2-2013 (X006784)

It is resolved that:

- (A) Council approve the Planning Proposal – Serviced Apartments, 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 – Serviced Apartments for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Minister or the Greater Sydney Commission 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 – Serviced Apartments following receipt of the Gateway Determination and prior to public exhibition.

Carried unanimously.

Speakers

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

ITEM 9.5

PUBLIC EXHIBITION – 2-32 JUNCTION STREET, FOREST LODGE – PLANNING PROPOSAL AND SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENT (X000094)

It is resolved that:

- (A) Council approve Planning Proposal: Sydney Local Environmental Plan – 2-32 Junction Street, Forest Lodge, shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway Determination;
- (B) Council approve Planning Proposal: Sydney Local Environmental Plan – 2-32 Junction Street, Forest Lodge, 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 – 2-32 Junction Street, Forest Lodge Amendment, shown at Attachment B to the subject report, for public authority consultation and public exhibition with the Planning Proposal;

- (D) Council seek authority from the Greater Sydney Commission to exercise the delegation of the Greater Sydney Commission of all the functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan to put into effect Planning Proposal: Sydney Local Environmental Plan – 2-32 Junction Street, Forest Lodge; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: Sydney Local Environmental Plan – 2-32 Junction Street, Forest Lodge and Draft Sydney Development Control Plan 2012: 2-32 Junction Street, Forest Lodge Amendment following receipt of the Gateway Determination.

Carried unanimously.

Speakers

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

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 T 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 252-254 Pitt Street, Sydney, as detailed in Attachment B;
- (D) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 112 Campbell Street, Surry Hills, as detailed in Attachment C;
- (E) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 368 Bourke Street, Surry Hills, as detailed in Attachment D;
- (F) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 8 Norman Street, Darlinghurst, as detailed in Attachment E;
- (G) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 81 Sussex Street, Sydney, as detailed in Attachment F;
- (H) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 400-412 Elizabeth Street, Surry Hills, as detailed in Attachment G;

- (I) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 354-358 Bourke Street, Surry Hills, as detailed in Attachment H;
- (J) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 29-37 Bellevue Street, Surry Hills, as detailed in Attachment I;
- (K) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 220-234 Goulburn Street, Darlinghurst, as detailed in Attachment J;
- (L) 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 1-21 Bay Street, Glebe, as detailed in Attachment K;
- (M) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 26-34 Dunning Avenue, Rosebery, as detailed in Attachment L;
- (N) 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 16-22 Wentworth Avenue, Surry Hills, as detailed in Attachment M;
- (O) 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 470-474 Crown Street, Surry Hills, as detailed in Attachment N;
- (P) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 90 Hay Street, Haymarket, as detailed in Attachment O;
- (Q) 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 52-54 Devonshire Street, Surry Hills, as detailed in Attachment P;
- (R) 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 44-44B Darlinghurst Road, Potts Point, as detailed in Attachment Q;
- (S) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 730-742 George Street, Haymarket, as detailed in Attachment R;
- (T) 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 2 Sturt Street, Darlinghurst, as detailed in Attachment S; and
- (U) 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 2-4 Oxford Street, Darlinghurst, as detailed in Attachment T.

Carried unanimously.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kok, seconded by Councillor Scully -

That the report of the Major Development Assessment Sub-Committee of its meeting of 10 October 2016 be received, with the recommendations set out below for Items 9.11 to 9.13 inclusive being adopted, and Items 9.7 to 9.10 inclusive being dealt with as shown immediately following those items.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

ITEM 9.7

DEVELOPMENT APPLICATION: 8-10 FITZROY PLACE SURRY HILLS (D/2016/512)

It is resolved that consent be refused to Development Application No. D/2016/512 for the following reasons:

(1) Demolition and Heritage Impacts

The demolition of the existing buildings is not supported, as the proposed replacement building will compromise the heritage significance of the heritage conservation area. The proposal will result in a building of height and scale that does not respect and complement neighbouring heritage items and the character of the heritage conservation area. The proposal is therefore contrary to and fails to satisfy:

- (a) Clause 6.21 Design Excellence standards under the Sydney Local Environmental Plan 2012.
- (b) The heritage conservation objectives 5.10(1) (a) and (b) of the Sydney Local Environmental Plan 2012.
- (c) The provisions 3.9.6 and 3.9.8 (1)(b) of the Sydney Development Control Plan 2012.
- (d) Clause 2.11.3 (principles for development in Surry Hills North local character area) of Sydney Development Control Plan 2012.

(2) Height, bulk and scale

- (a) The exception sought to the Clause 4.3 building height development standard in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012 is not supported, as the proposal fails to:
 - (i) Demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
 - (ii) Demonstrate there are sufficient environmental planning grounds to justify contravening the development standard.

- (iii) Demonstrate that the proposed development is in the public interest because it is consistent with the objectives of the height development standard.
- (b) The proposal will result in a building of significantly greater height, bulk and scale than the surrounding properties that is inconsistent with the context and desired character for the area. The proposal is contrary to and fails to satisfy:
 - (i) Clause 4.3 of the Sydney Local Environmental Plan 2012.
 - (ii) Clause 6.21 Design Excellence standards under the Sydney Local Environmental Plan 2012.
 - (iii) Provision 4.2.1.1(1) of the Sydney Development Control Plan 2012, which specifies a maximum height of buildings of 4 storeys.

(3) Contravention of Development Standard – Floor Space Ratio

The proposal does not comply with the maximum Floor Space Ratio development standard for the site specified in Clause 4.4 of the Sydney Local Environmental Plan 2012. The proposal results in new development that does not reflect the desired character of the locality and results in significant adverse impacts on the amenity of the locality. The proposal is therefore contrary to and fails to satisfy:

- (a) Clause 4.4 of the Sydney Local Environmental Plan 2012, including the floor space ratio objectives and standards.

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

- (a) The proposed building's siting and design does not achieve desired levels of apartment amenity. The proposal fails to meet the design criteria specified in the Apartment Design Guide for natural ventilation, communal open space, private open space, deep soil zones, apartment size, ceiling heights, and visual privacy.
- (b) The proposed bulk and scale of the building will generate an unreasonable visual impact.
- (c) The insufficient provision of deep soil zones and natural cross ventilation of apartments does not address the principle of sustainability.
- (d) Insufficient information has been provided to adequately assess the overshadowing impacts on 5 Fitzroy Place and compliance with Provision 4.2.3.1(3) of the Sydney Development Control Plan 2012.
- (e) The non-compliant lift and stairwell will generate significant additional overshadowing of neighbouring properties.
- (f) The proposed height, building separation, and context will give rise to unreasonable levels of overlooking and loss of privacy.

(5) Public domain

The proposal does not positively address the street. The ground level interface with the public domain is dominated by garage doors, solid walls, service doors and full screen walls. In addition, the ground level adopts indentations in the facade rather than reinforcing the lane edge and property boundary, and providing direct lines of site. The proposal is therefore contrary to and fails to satisfy:

- (a) Clause 6.21(4)(b) and (d) Design Excellence standards under the Sydney Local Environmental Plan 2012.
- (b) The Objectives and Provisions of 3.2.2 of the Sydney Development Control Plan 2012.
- (c) Provision 3.11.11 of the Sydney Development Control Plan 2012, where vehicle access and egress is to be a single crossing with maximum width 3.6m.
- (d) Provision 3.13.1 of the Sydney Development Control Plan 2012 addressing crime prevention through environmental design.

(6) Public interest

The proposal is non-compliant with the height and floor space ratio development standards and key amenity planning controls. The site and proposal are not considered to present particular circumstances that make it unreasonable or unnecessary to comply with the development standards, and the proposal has not presented sufficient environmental planning grounds to justify contravening the development standards. Approval of the proposal would establish an undesirable precedent for adjoining sites and is not in the public interest.

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

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

Carried unanimously.

Speakers

Mr Brent Alexander and Mr Ronan MacSweeney addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.7.

ITEM 9.8**DEVELOPMENT APPLICATION: 256-262 MITCHELL ROAD ALEXANDRIA (D/2015/1286)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 24 October 2016.

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

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1286, subject to the following:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied within 12 months of the date of this determination:

(1) DESIGN MODIFICATIONS

The proposal shall be amended to incorporate the design amendments contained under plans 03, 06, 07 and 08 dated 19/10/2016 drawn by MHNDU. Those changes include:

- (a) The use of a masonry (face brick) facade on levels 1 and 2 facing Mitchell Road (western elevation);
- (b) The scaling back of the 'chevron' roof form, including a reduction in its pitch and the roof form folding down at the northern and southern boundaries. The roof shall have a maximum eave overhang of 450mm;
- (c) Reduction in the size of the rear terrace of Unit 304, along with its overall internal floor area being reduced to 53sqm (1 bedroom). The eastern elevation of Unit 304 shall be setback a minimum of 7,500mm from the eastern property boundary line; and
- (d) Incorporation of additional privacy screening to the eastern elevation of units 304, 204 and 205.

The above modifications shall be to the satisfaction of Council's Director City Planning, Development and Transport.

- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement condition, as indicated above, must be submitted to Council within 12 months of the date of determination of this deferred commencement consent failing which this deferred commencement consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (C) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent condition, as indicated above, has been satisfied; and
- (D) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in the subject report to the Planning and Development Committee on 10 October 2016, subject to the amendment of Conditions (1) and (2) as follows (with additions shown in **bold italics** and deletions shown in ~~strikethrough~~), and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/1286 dated 7 September 2015;
- (b) and the following drawings:

Drawing Number	Architect	Date
DA10 B	MHND Union	17 December 2015
DA11 B	MHND Union	17 December 2015
DA12 B	MHND Union	17 December 2015
DA13 B	MHND Union	17 December 2015
DA14 B	MHND Union	17 December 2015
DA15 B	MHND Union	17 December 2015
DA20 B	MHND Union	17 December 2015
DA21 B	MHND Union	17 December 2015
DA22 B	MHND Union	17 December 2015
DA23 B	MHND Union	17 December 2015
DA24 B	MHND Union	17 December 2015

and as amended by ***the deferred commencement consent condition in Part A and*** the conditions of this consent.

- (c) 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	\$39,319.88 \$35,167.72
Public Domain	\$24,218.78 \$21,661.29
New Open Space	\$188,707.14 \$168,779
New Roads	\$47,926.29 \$42,865.30
Accessibility	\$1,987.79 \$1,777.88
Management	\$2,149.26 \$1,922.30
Total	\$304,309.14 \$272,174.27

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

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

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – December 2015.

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.

Carried unanimously.

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

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1286, subject to the following:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied within 12 months of the date of this determination:

(1) DESIGN MODIFICATIONS

The proposal shall be amended to incorporate the design amendments contained under plans 03, 06, 07 and 08 dated 19/10/2016 drawn by MHNDU. Those changes include:

- (a) The use of a masonry (face brick) facade on levels 1 and 2 facing Mitchell Road (western elevation);
- (b) The scaling back of the 'chevron' roof form, including a reduction in its pitch and the roof form folding down at the northern and southern boundaries. The roof shall have a maximum eave overhang of 450mm;
- (c) Reduction in the size of the rear terrace of Unit 304, along with its overall internal floor area being reduced to 53sqm (1 bedroom). The eastern elevation of Unit 304 shall be setback a minimum of 7,500mm from the eastern property boundary line; and
- (d) Incorporation of additional privacy screening to the eastern elevation of units 304, 204 and 205.

The above modifications shall be to the satisfaction of Council's Director City Planning, Development and Transport.

- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement condition, as indicated above, must be submitted to Council within 12 months of the date of determination of this deferred commencement consent failing which this deferred commencement consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (C) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent condition, as indicated above, has been satisfied; and
- (D) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/1286 dated 7 September 2015;
- (b) and the following drawings:

Drawing Number	Architect	Date
DA10 B	MHND Union	17 December 2015
DA11 B	MHND Union	17 December 2015
DA12 B	MHND Union	17 December 2015
DA13 B	MHND Union	17 December 2015
DA14 B	MHND Union	17 December 2015
DA15 B	MHND Union	17 December 2015
DA20 B	MHND Union	17 December 2015
DA21 B	MHND Union	17 December 2015
DA22 B	MHND Union	17 December 2015
DA23 B	MHND Union	17 December 2015
DA24 B	MHND Union	17 December 2015

and as amended by the deferred commencement consent condition in Part A and the conditions of this consent.

- (c) 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	\$35,167.72
Public Domain	\$21,661.29
New Open Space	\$168,779
New Roads	\$42,865.30
Accessibility	\$1,777.88
Management	\$1,922.30
Total	\$272,174.27

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

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

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – December 2015.

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) APPROVED DESIGN ROOF - TOP PLANT

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

(4) MATERIALS AND SAMPLES BOARD

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

(5) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

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

(6) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

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

(7) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

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

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

A digital based recording is to include:

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

A film based recording is to include:

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

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

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

(8) USE OF INTRUSIVE APPLIANCES

- (a) 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.
- (b) As a minimum, the report must specify:
 - (i) Specific the proposed hours and days of operation;
 - (ii) The tasks that the equipment will be used for;
 - (iii) Justify in writing why the intrusive appliance cannot be substituted for a lower impact apparatus;
 - (iv) 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;
 - (v) Indicate a timeframe for completion the associated task;
 - (vi) Provide details of respite periods which will occur to reduce exposure to intrusive noise at sensitive receiving locations,
 - (vii) 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.

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic date 30/07/2015 ref 20150498.1/3007A/R2/BW title 256-262 Mitchell Road, Alexandria DA Noise Impact Assessment (The Report) council ref Exhibition Document 2015/468922 256-262 Mitchell Road _DA Noise Impact Assessment 8/9/2015 at 3:16 PMD/2015/1286 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.

- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report prepared by Acoustic Logic , dated 30/07/2015, ref 20150498.1/3007A/R2/BW, titled 256-262 Mitchell Road, Alexandria DA Noise Impact Assessment (The Report).
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the 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.

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

- (a) 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.
- (b) 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.
- (c) The Demolition, Excavation & Construction Noise & Vibration Management Plan must include but not be limited to the following:
 - (i) Identification of noise sensitive receivers near to the site.
 - (ii) 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.
 - (iii) 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.

- (iv) 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.
- (v) 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.
- (vi) 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.
- (vii) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (viii) 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.
- (ix) 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.

(11) 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:
- (c) The contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit.
- (d) 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.

- (e) 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.

(12) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 256-264 Mitchell Road and 264 Mitchell Road are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

(13) 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.

(14) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(15) ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant:

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

is to be submitted to the Certifying Authority.

(16) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and AS1668.2.

- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

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

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

(18) FLOOR TO CEILING HEIGHT

Prior to a Construction Certificate being issued, the Certifying Authority must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

(19) ACOUSTIC PRIVACY BETWEEN UNITS

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

(20) 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.

(21) BARRICADE PERMIT

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

(22) SYDNEY WATER CERTIFICATE - SUBDIVISION

Prior to the issue of a Subdivision/Strata 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 a Subdivision/Strata Certificate being issued.

(23) STREET TREE PROTECTION

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

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding [Tree Management Team to insert location of hoarding and affected trees] to protect branches during the construction works.

- (e) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(24) TREES THAT MUST BE RETAINED

Approval is NOT granted for the removal any street trees. All street trees must be retained and protected during construction.

(25) STREET TREE PRUNING AND REMOVAL

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

(26) LANDSCAPING OF THE SITE

- (a) the Landscape Plan (Dwg No. 5113-01 issue B) prepared by Peter Glass & Associates' dated 20 April 2015 is not approved. A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground building works. The plan must include:
 - (i) Appropriate locate and include retention of the four (4) street tree directly outside the site.
 - (ii) 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;
 - (iii) 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;
 - (iv) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - (v) Details of planting procedure and maintenance;

- (vi) 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.

(27) 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.

(28) 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.

(29) 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).

(30) 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.

(31) PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(32) 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.

(33) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

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

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

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

(34) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

(35) 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.

(36) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 8 lineal metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(37) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (b) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

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

(38) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover) and the City of Sydney Managing Asbestos Policy.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.

- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

(39) 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.

(40) 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.

(41) 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.

(42) 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.

(43) REGISTRATION OF COVENANT

A covenant shall be registered on the title of the land and a copy of the title submitted to the City's Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate, giving notice of the former land use and contamination of the site and the existence of any remaining encapsulated contaminated material which are subject to ongoing environmental management.

A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge there from of any contaminants or for any works subsequently required by the NSW Environment Protection Authority

(44) 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

(45) LAND REMEDIATION (WHERE SITE AUDITOR ENGAGED)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by EI Australia dated 52 August 2016 and referenced EI Australia and the Letter of Interim Advice prepared by David Gregory #1501 dated 4 August 2016 and referenced Ref 160137IA 17.3.16),. 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.

(46) 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.

(47) SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN

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

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

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.

(48) 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.

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

(50) 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.

(51) 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.

(52) 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.

(53) 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.

(54) 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.

(55) 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.

(56) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Waste water arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

(57) 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.

(58) 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.

(59) 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.

(60) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(61) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

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

(62) 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.

(63) 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.

(64) BASIX

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

(65) TRANSGRID CONDITIONS

The conditions as advised by TransGrid are as follows:

- (a) All works must be carried out in accordance with the NSW WorkCover 'Work Near Underground' Assets Guide. Please also refer to the accompanying TransGrid Easement Guidelines for Third Party Development (V10) and contact TransGrid in the event of any uncertainty.
- (b) TransGrid requests to be notified prior to commencement of works, and Dial Before You Dig (DBYD) is contacted as well.
- (c) TransGrid requests formal notification for any future proposed development on the subject land. Any further development (including but not limited to excavation, road development, and amendment to underground services) must be assessed by TransGrid to determine if it complies with our easement restrictions. TransGrid's prior written consent is required in this regard.
- (d) During construction, measures need to be implemented to prevent machinery (for example rock anchors and drills) inadvertently extending into TransGrid's easement, the stratum tunnel and/or the two State significant high voltage transmission cables under Mitchell Road, Alexandria.

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

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 four sided 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 Clause 8, 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 consent for the development 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 "taintwater") 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 sulfate 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;
 - (b) the precise periods and location of water taken;
 - (c) the details of water level monitoring in all of the relevant bores;
 - (d) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - (e) 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.

Speakers

Ms Jacinta Symes, Ms Julie Collins, Ms Rebecca Mar Young and Mr Aaron Sutherland addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.8.

ITEM 9.9**DEVELOPMENT APPLICATION: 228 KING STREET NEWTOWN (D/2016/325)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 24 October 2016.

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

It is resolved that consent be granted to Development Application No. D/2016/325, subject to the conditions as detailed in the subject report to the Planning and Development Committee on 10 October 2016, subject to the amendment of Condition (1) as follows (with additions shown in ***bold italics*** and deletions shown in ~~strike through~~):

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2016/325, dated 16 March 2016, and the following drawings:

Drawing Number	Drawing Title	Architect	Dated
DA 000 Rev. F	Cover Sheet	BKA Architecture	24/8/16
DA 100 Rev. M	Ground Floor Plan	BKA Architecture	24/8/16
DA 101 Rev. K	Level 1 & 2	BKA Architecture	24/8/16
DA 102 Rev. J	Level 3	BKA Architecture	24/8/16
DA 104 Rev. I	Roof Plan	BKA Architecture	24/8/16
DA 200 Rev. I	King Street Elevation	BKA Architecture	24/8/16
DA 201 Rev. I	Rear Elevation	BKA Architecture	24/8/16
DA 300 Rev. J	Section	BKA Architecture	24/8/16
DA 600 Rev. C	Details – Screen to King Street Facade	BKA Architecture	24/8/16
DA 601 Rev. G	Typical Details	BKA Architecture	24/8/16
<i>DA 601 Rev. D</i>	<i>Typical Details</i>	<i>BKA Architecture</i>	<i>19/10/16</i>
DA 900 Rev. D	Finishes Schedule	BKA Architecture	24/8/16
LPDA 16 – 327 Rev. C	Landscape Plan	Conzept Landscape Architects	04.02.16

and as amended by the conditions of this consent.

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

Foreshadowed motion. Councillor Thalís foreshadowed that, should the motion moved by Councillor Kok be lost or withdrawn, he would move an alternative motion.

Following discussion, Councillor Kok withdrew his motion.

Councillor Thalís then moved his alternative motion, seconded by Councillor Miller, as follows –

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2016/325, subject to the following:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied within 12 months of the date of this determination:

(1) DESIGN MODIFICATIONS

- (a) The materials and design of the louvered decorative screen on the King Street elevation are not approved in their current form and detail. The façade shall be redesigned to better demonstrate:
- (i) a use of high quality materials that are appropriate to achieving the intended design outcome; and
 - (ii) a contemporary response to the heritage character of the adjacent heritage buildings.
- (b) To comply with the solar access provisions in section 4A of the Apartment Design Guide and State Environmental Planning Policy 65, an operable top-light window be installed over Unit 201 that achieves a minimum of two hours sunlight in mid-winter, while also considering the privacy for the communal terrace.
- (c) To enhance compliance with the natural ventilation provisions in section 4B of the Apartment Design Guide and State Environmental Planning Policy 65, the internal layout of levels 1 and 2 be reconfigured to introduce a lightwell between the lift and the bathroom with operable windows for Units 101 and 201.
- (d) The pergola adjacent to the Brown Lane (rear) boundary must be deleted. Any pergola over the rooftop communal open space must be setback a minimum of 3 metres from the rear edge of the subject building.

The above modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport.

- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement condition, as indicated above, must be submitted to Council within 12 months of the date of determination of this deferred commencement consent, failing which this deferred commencement consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (C) the consent will not operate until such time that the Council notifies the Applicant in writing that the deferred commencement consent condition, as indicated above, has been satisfied; and

- (D) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in the subject report to the Planning and Development Committee on 10 October 2016, subject to the amendment of Condition (2) as follows (with additions shown in ***bold italics*** and deletions shown in ~~strikethrough~~), and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

~~(2) —~~ **DESIGN MODIFICATIONS**

~~The design of the building must be modified as follows:~~

- ~~(a) — A skylight must be installed within the roof over the kitchen area of Unit 201. The skylight must consist of obscure glazing to protect the visual privacy of the subject dwelling.~~
- ~~(b) — The pergola adjacent to the Brown Lane (rear) boundary must be deleted. Any pergola over the rooftop communal open space must be setback a minimum of 3 metres from the rear edge of the subject building.~~

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

Carried unanimously.

Note – Condition (2), as detailed in the subject report to the Planning and Development Committee on 10 October 2016, was deleted and all following conditions renumbered, as a consequence of the insertion of deferred commencement Condition (1) as shown in PART A – Deferred Commencement Conditions (Conditions to be Satisfied Prior to Consent Operating).

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

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2016/325, subject to the following:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied within 12 months of the date of this determination:

(1) DESIGN MODIFICATIONS

- (a) The materials and design of the louvered decorative screen on the King Street elevation are not approved in their current form and detail. The façade shall be redesigned to better demonstrate:
- (i) a use of high quality materials that are appropriate to achieving the intended design outcome; and

- (ii) a contemporary response to the heritage character of the adjacent heritage buildings.
- (b) To comply with the solar access provisions in section 4A of the Apartment Design Guide and State Environmental Planning Policy 65, an operable top-light window be installed over Unit 201 that achieves a minimum of two hours sunlight in mid-winter, while also considering the privacy for the communal terrace.
- (c) To enhance compliance with the natural ventilation provisions in section 4B of the Apartment Design Guide and State Environmental Planning Policy 65, the internal layout of levels 1 and 2 be reconfigured to introduce a lightwell between the lift and the bathroom with operable windows for Units 101 and 201.
- (d) The pergola adjacent to the Brown Lane (rear) boundary must be deleted. Any pergola over the rooftop communal open space must be setback a minimum of 3 metres from the rear edge of the subject building.

The above modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport.

- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement condition, as indicated above, must be submitted to Council within 12 months of the date of determination of this deferred commencement consent, failing which this deferred commencement consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (C) the consent will not operate until such time that the Council notifies the Applicant in writing that the deferred commencement consent condition, as indicated above, has been satisfied; and
- (D) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2016/325, dated 16 March 2016, and the following drawings:

Drawing Number	Drawing Title	Architect	Dated
DA 000 Rev. F	Cover Sheet	BKA Architecture	24/8/16
DA 100 Rev. M	Ground Floor Plan	BKA Architecture	24/8/16
DA 101 Rev. K	Level 1 & 2	BKA Architecture	24/8/16
DA 102 Rev. J	Level 3	BKA Architecture	24/8/16
DA 104 Rev. I	Roof Plan	BKA Architecture	24/8/16
DA 200 Rev. I	King Street Elevation	BKA Architecture	24/8/16
DA 201 Rev. I	Rear Elevation	BKA Architecture	24/8/16
DA 300 Rev. J	Section	BKA Architecture	24/8/16
DA 600 Rev. C	Details – Screen to King Street Facade	BKA Architecture	24/8/16
DA 601 Rev. C	Typical Details	BKA Architecture	24/8/16
DA 900 Rev. D	Finishes Schedule	BKA Architecture	24/8/16
LPDA 16 – 327 Rev. C	Landscape Plan	Conzept Landscape Architects	04.02.16

and as amended by the conditions of this consent.

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

(2) NO SIGNAGE

No approval is granted or implied for any business identification signage associated with the commercial tenancy. Any future signage must seek separate development consent or comply with any relevant exempt provisions.

(3) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

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 BKA Architecture, received on 16 March 2016.

(4) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 55.90 (AHD) to the top of the feature screen and RL 55.13 (AHD) to the top of the building 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.

(5) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the development must not exceed 2:1. For the purposes of the calculation of FSR, the Gross Floor Area of the development is 360sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney LEP 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(6) 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.

(7) USE OF COMMON AREAS AND FACILITIES

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

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$4,075.85
Public Domain	\$7,858.64
New Open Space	\$64,516.75
Accessibility	\$645.01
Management	\$647.40
Total	\$77,793.64

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 – June 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.

(9) 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.

(10) LIGHTING

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

(11) APPROVED DESIGN ROOF-TOP PLANT

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

(12) 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.

(13) 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 March 2016 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the PCA
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

(14) ACOUSTIC PRIVACY BETWEEN UNITS

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

- (c) The Certifying Authority (PCA) must ensure that the acoustic mitigation measures identified in the subject report are suitably incorporated into the development as erected prior to the issue of an Occupation Certificate.

(15) NOISE - GENERAL

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

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

(16) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED

A separate application must be made to Council or an accredited certifier to obtain approval of the Strata Plan and issue of a Strata Certificate under the Strata Schemes (Freehold Development) Act 1973.

SCHEDULE 1B

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

(17) 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) 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;
 - (ii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - (iii) Details of planting procedure and maintenance;
 - (iv) 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.

(18) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

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

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

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

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

(20) 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.

(21) 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.

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

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

IMPORTANT NOTE:

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

(23) FLASHINGS TO BOUNDARY WALLS

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

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

(24) 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.

(25) INITIAL BOUNDARY SURVEY

- (a) Prior to the issue of a Construction Certificate or any consent for demolition, boundary definition survey work defining the boundaries of Lot A in DP 445531 shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The horizontal position and heights of overhanging architectural embellishments and chimneys attached to the adjoining buildings shall be shown accurately on the plan, with clear annotations showing offsets to the side boundaries. The registered surveyor shall provide a letter to the PCA certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate.
- (b) A plan or CAD file showing the redefined boundaries and positions and heights of encroaching structures shall be provided to the project architect, who shall certify in writing that the proposed building as designed will fit within the redefined boundaries, without causing any encroachment of the proposed building or any overhangs attached to the proposed building, or requiring demolition of any part of existing side walls protected by cross-easements for support. This written certification by the project architect shall be provided to the PCA prior to the issue of a Construction Certificate.

(26) SURVEY

- (a) AT FOUNDATION STAGE - All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments of new components of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.
- (b) DURING CONSTRUCTION - A survey of the formwork for the concrete slab at each floor level, showing its position in relation to the site boundaries, must be carried out prior to concrete pour, and supplied to the Principal Certifying Authority.
- (c) AT COMPLETION – Prior to the issue of an Occupation Certificate - A Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment. Any encroachments of the building over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act, 1919, with terms to the satisfaction of Council, must be provided.

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.

(27) ELECTRICITY SUBSTATION

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

(28) 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.

(29) 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.

(30) 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.

(31) 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.

(32) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(33) DILAPIDATION REPORT – MINOR

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

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

(34) MECHANICAL VENTILATION

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

(35) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

The approved mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for all ground floor retail tenancy 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.

(36) 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.

(37) 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).

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

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Works Zone, hoisting activity over a public road, temporary works and / or road openings must be obtained from Council prior to the commencement of work.

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

(39) 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.

(40) 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).

(41) INSTALLATION OF DUAL-FLUSH TOILETS

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

(42) INSTALLATION OF WATER EFFICIENT TAPS

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

(43) WASTE AND RECYCLING COLLECTION CONTRACT

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

(44) WASTE/RECYCLING COLLECTION

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

(45) WASTE AND RECYCLING MANAGEMENT - MINOR

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

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(46) BASIX**

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

(47) 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.

(48) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(49) 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.

(50) 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.

(51) 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.

(52) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

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

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

(53) 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.

(54) 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.

(55) LANDSCAPING OF THE SITE

All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(56) 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.

(57) OCCUPATION CERTIFICATE TO BE SUBMITTED

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

SCHEDULE 2

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

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

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

SCHEDULE 3

Terms of Approval

Other Development Approvals

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

1. The building must not exceed a maximum height of 57 metres (AHD), inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lighting rods, any roof top garden plantings, exhaust flues etc.
2. The proponent must advise Airservices at least 3 business days prior to the controlled activity commencing by emailing pds.obs@airservicesaustralia.com and quoting "SY-CA-308".
3. Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
4. 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.

ITEM 9.10**DEVELOPMENT APPLICATION: 10 BRIDGE ROAD GLEBE (D/2015/1467)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 24 October 2016.

At the meeting of Council, it was moved by Councillor Thalís, seconded by Councillor Scully –

It is resolved that consent be refused for Development Application No. D/2015/1467 for the following reasons:

(1) Inconsistent with the objectives of the Wentworth Park Locality Statement

The site is located in Wentworth Park locality, which states, “Bridge Road will continue as a gateway to Glebe with high quality buildings, clear and accessible links between Wentworth Park and Blackwattle Bay, a mix of recreational, commercial, industrial use and an enhanced public domain.”

Principle (a) requires that “development must achieve and satisfy the outcomes expressed in the character statement and supporting principles” and Principle (h) aims to “discourage residential uses fronting Bridge Road because of the noise impacts from vehicle traffic and the light rail”. The proposal fails to meet both principles.

The design of the 3-storey addition does not represent a ‘high quality building’ nor do the proposed proportions, detailed design elements and materials complement industrial/warehouse typology of the existing building or contribute to an enhanced public domain.

The proposal is also predominantly residential, only providing a small retail unit on the ground floor. The location of the living areas and terraces front Bridge Road or onto Darghan Street and are therefore the primary source of natural ventilation. The potential noise levels and air quality may impact on the amenity of future residents.

Particulars:

- (a) The proposal does not align with locality principles under Clause 2.6.3 of the Sydney Development Control Plan 2012.

(2) Proposal does not demonstrate design excellence

Design excellence is a fundamental objective for all new development. The Sydney Local Environmental Plan 2012 states that the key objective is to “deliver the highest standard of architectural, urban and landscape design”.

The SLEP2012 also requires that, in considering whether development exhibits design excellence, it must have regard to a number of matters including, but not limited to:

- whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;

- whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain.

Schedule 1 of State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development outlines the Design quality principles and Clause 30(2) states that “development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to (a) the design quality principles and (b) the objectives specified in the Apartment Design Guide for the relevant design criteria”.

The planning and layout of the proposal design scheme has been amended multiple times throughout the assessment process, responding to issues raised by Council officers.

The most recent amendment being between the Major Development Assessment Sub-Committee on 10 October 2016 and the 24 October 2016 Council meeting, as outlined in the ‘Relevant To Memo’ dated 21 October 2016.

Despite the various amendments, and even with the recommended condition requiring the architectural expression and materials of the 3 storey addition be redesigned, the fundamental design and aesthetic approach has not been significantly altered and still fails to meet the design excellence objectives of the SLEP2012, as well as the following SEPP 65 design quality principles:

- Principle 1: Context and neighbourhood character
- Principle 2: Built form and scale
- Principle 6: Amenity
- Principle 9: Aesthetics

Overall, this proposal does not demonstrate adequate design quality as required by SEPP 65 and the Apartment Design Guide, nor does it demonstrate design excellence as required by the SLEP2012 or as the Sydney DCP 2012 states “is a fundamental consideration in the assessment of development applications”, nor does it “contribute to the architectural and overall urban design quality of the local government area”.

Particulars:

- (a) The proposal does not comply with Clause 30(2) of the State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development.
- (b) The proposal does not comply with Clause 6.21 (1) - (4) of the Sydney Local Environmental Plan 2012.
- (c) The proposal does not align with the design excellence objectives under Section 3.3 of the Sydney Development Control Plan 2016.

(3) Building height

The proposal fails to meet the Sydney Development Control Plan 2012 'Height in Storeys' control. While the proposal presents as 4 storeys to Bridge Road, the mid-section of the building comprises 5 storeys. This breach has been assessed as being acceptable due to the 3.3m fall across the site and to accommodate the communal open space as required by the Apartment Design Guide and the Sydney Development Control Plan 2012.

However, the inclusion of the 5th storey also accommodates an additional apartment (Apartment 13). Section 2C of the Apartment Design Guide states that, in setting building heights, "0.4m per floor [should be added] for structure, services, set downs and finishes [and] 1m to allow for rooftop articulation" (p.31).

As stated in the officer's report, "the roof above Apartment 13 has a depth of 0.2m, at best, and is considered to provide insufficient tolerance at construction to provide adequate depth and fall for roof structure, drainage, insulation and fittings. If the proposal was amended to provide a buildable roof structure, it is possible that these parts of the roof would potentially exceed the Sydney Local Environmental Plan 2012 height of building controls of 15m."

Particulars:

- (a) The proposal does not comply with Clause 4.2.1 of the Sydney Development Control Plan 2012.

(4) Inadequate provision of residential amenity

Good design and the provision of a high quality internal and external amenity for residents contributes to positive living environments and wellbeing. Principle 6 of Schedule 1 Design quality principles in the State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development relates to amenity being a combination of size, solar access, natural ventilation, outdoor space, visual and acoustic privacy.

Communal Open Space

The Apartment Design Guide and Sydney Development Control Plan 2012 require a minimum communal open space of 25% of the site area. The current proposal provides a communal open space that is equivalent to 19% of the total site area. The location of the communal open space is on the Bridge Road frontage and therefore the potential noise levels and air quality may impact on the useability and amenity of this space.

Natural Ventilation

This site has three frontages and a good design should be able to meet, if not exceed, the required proportion of apartments that achieve adequate natural ventilation.

The Apartment Design Guide requires at least 60% of apartments be naturally ventilated. The current proposal provides adequate ventilation for 50% of the apartments. Staff have recommended a condition to amalgamate Apartments 7 and 8 in response to this non-compliance, but this will only increase compliance to 54%, and therefore still failing to meet the minimum requirements.

A secondary ventilation source from a façade not exposed to Bridge Road, whether from the rear of the site or the inclusion of an internal courtyard, is also important to ensure adequate amenity for residents living along a high volume traffic road.

Therefore, the current proposal fails to meet the above amenity standards which is a result of the fundamental design and aesthetic approach being poor.

Particulars:

- (a) Overall, the proposal does not comply with Clause 30(2) of the State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development.
- (b) In regard to the provision of communal open space, the proposal does not comply with Objective 3D-1 of the Apartment Design Guide and Clause 4.2.3.8 of the Sydney Development Control Plan 2012.
- (c) In regard to natural ventilation, the proposal does not comply with the Objective 4B-3 of the Apartment Design Guide and Clause 4.2.3.9 of the Sydney Development Control Plan 2012.

(5) The Public Interest

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

Following discussion, Councillor Thalys, with the concurrence of the seconder of his motion, withdrew the motion.

It was then moved by the Chair (the Lord Mayor), seconded by Councillor Chung –

It is resolved that consideration of this matter be deferred to the next meeting of Council to allow staff time to consult with the applicant on further changes.

Carried.

Speakers

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

ITEM 9.11**DEVELOPMENT APPLICATION: 600 BOTANY ROAD ALEXANDRIA (D/2016/719)**

It is recommended that Development Application No. D/2016/719 be refused for the following reasons:

- (1) The proposal is not characterised as 'shop-top housing' and, as such, is not permissible within the B7 Business Park Zone under Sydney Local Environmental Plan 2012.
- (2) Insufficient information has been provided to satisfactorily address the requirements of State Environmental Planning Policy No 55 – Remediation of Land and to demonstrate that the site is, or may be, made suitable for the proposed residential use.
- (3) The proposal is of an unacceptable bulk and scale and, as such, does not perform acceptably in relation to the design quality principles 1 (Context and Neighbourhood Character), 2 (Built Form and Scale), 3 (Density), and 9 (Aesthetics) of State Environmental Planning Policy 65: Design Quality of Residential Apartment Development or the Apartment Design Guide.
- (4) The proposal does not perform acceptably in relation to the design quality principle 6 (Amenity) of State Environmental Planning Policy 65: Design Quality of Residential Apartment Development in terms of natural cross-ventilation, solar access, apartment sizes and the provision of private open space.
- (5) The proposal is inconsistent with Clause 5.10 of Sydney Local Environmental Plan 2012 and Section 3.9.5 of Sydney Development Control Plan 2012, as it fails to respect and complement the heritage significance of the neighbouring heritage item or to provide an adequate area around the heritage item to allow for its interpretation.
- (6) The proposal fails to exhibit design excellence as it does not achieve a high standard of architectural design, materials and detailing appropriate to the site and surrounding context, and results in adverse impacts on heritage, streetscapes and amenity, and, as such, does not comply with Clause 6.21 of Sydney Local Environmental Plan 2012.
- (7) The proposal fails to demonstrate that the development is compatible with the flood hazard of the land, that it is not likely to significantly adversely affect flood behaviour and incorporates appropriate measures to manage risk to life from flooding. As such, it fails to comply with Clause 7.15 of Sydney Local Environmental Plan 2012.
- (8) The proposal exceeds the maximum building height under Clause 4.3 of Sydney Local Environmental Plan 2012 and height in storeys under Section 4.2.1.1 of Sydney Development Control Plan 2012, resulting in a built form and scale that does not respond to the desired future character of the area and detracts from the heritage significance of the neighbouring heritage item.

- (9) The proposal significantly exceeds the maximum floor space ratio under Clause 4.4 of Sydney Local Environmental Plan 2012, resulting in a development that exceeds the capacity of existing and planned infrastructure and built form and scale that does not respond to the desired future character of the area and detracts from the heritage significance of the neighbouring heritage item.
- (10) The proposal has not demonstrated that compliance with the height of buildings and floor space ratio development standards is unreasonable or unnecessary or that the proposal is in the public interest, and fails to achieve a better outcome as a result of applying flexibility and, as such, fails to satisfy Clause 4.6 of Sydney Local Environmental Plan 2012.
- (11) The proposal is inconsistent with Sections 4.2.1.1, 4.2.1.2 and 4.2.2 of Sydney Development Control Plan 2012, as it exceeds the 6 storey height control, and fails to provide sufficient floor to floor heights to ensure compliant floor to ceiling heights of 2.7m.
- (12) The proposal is inconsistent with Sections 3.2.2, 3.2.3 and 3.11.11 of Sydney Development Control Plan 2012, as it fails to respond appropriately to active frontages on Botany Road and Ralph Street or to contribute to the amenity and safety of the public domain, and exceeds the maximum width of a vehicle crossing over a footpath of 3.6m.
- (13) The proposal is inconsistent with Sections 3.11.3 and 3.11.9 of Sydney Development Control Plan 2012, as it fails to provide adequate bicycle parking facilities or to provide adequate accessible parking in accordance with the relevant Australian Standards.
- (14) The proposal is inconsistent with Sections 3.11.13 and 4.2.6 of Sydney Development Control Plan 2012, as it fails to provide adequate waste facilities or to accommodate on-site waste collection.
- (15) The proposal is inconsistent with Sections 4.2.3 and 4.2.5 of Sydney Development Control Plan 2012, as it fails to demonstrate adequate solar access to apartments and communal open space, or that appropriate measures have been taken to mitigate noise and air quality impacts from Botany Road, or to ensure acoustic privacy and natural ventilation to apartments can be maintained.
- (16) The proposal is an overdevelopment of the site and is not in the public interest.

Carried unanimously.

ITEM 9.12

DEVELOPMENT APPLICATION: 13 BRODRICK STREET CAMPERDOWN (D/2016/371)

It is resolved that Development Application No. D/2016/371 be refused for the following reasons:

- (1) The proposal exceeds the maximum building height under Clause 4.3 of Sydney Local Environmental Plan 2012 and the height in storeys control under Section 4.2.1.1 of Sydney Development Control Plan 2012, resulting in an excessive built form and scale.
- (2) The proposal exceeds the maximum floor space ratio under Clause 4.4 of Sydney Local Environmental Plan 2012, resulting in an overdevelopment of the site, and an inappropriate scale and intensity of development.
- (3) The proposal has not demonstrated that compliance with the height and floor space ratio development standards is unreasonable or unnecessary or that there are sufficient environmental planning grounds to justify contravening the development standards. The proposal fails to achieve a better outcome by contravening the height and floor space ratio development standards and therefore fails to satisfy Clause 4.6 of Sydney Local Environmental Plan 2012.
- (4) The proposal fails to exhibit design excellence, as it does not achieve a high standard of architectural design, material and detailing appropriate to the site and surrounding context, nor does it result in good internal amenity and design and, as such, does not comply with Clause 6.21 of Sydney Local Environmental Plan 2012.
- (5) The proposal fails to demonstrate that at least 70% of apartments can achieve the minimum requirement for solar access and therefore does not comply with the requirements of the Apartment Design Guide or Section 4.2.3 of Sydney Development Control Plan 2012.
- (6) Insufficient information has been provided to satisfactorily address the requirements of State Environmental Planning Policy No 55 – Remediation of Land and to demonstrate that the site is or may be made suitable for the proposed residential use.
- (7) The proposal is an overdevelopment of the site and is not in the public interest, contrary to section 79C(e) of the Environmental Planning and Assessment Act 1979.

Carried unanimously.

Speakers

Mr Garry Chapman addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.12.

ITEM 9.13

DEVELOPMENT APPLICATION: 18 O'RIORDAN STREET ALEXANDRIA (D/2015/1734)

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1734, subject to the following:

PART A - DEFERRED COMMENCEMENT CONDITIONS**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

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

(1) PLANNING AGREEMENT

- (a) That the Planning Agreement drafted in accordance with the public benefit offer made by 18 O'Riordan Street Pty Limited on 4 April 2016 and placed on public exhibition between 18 April 2016 and 17 May 2016 is to be executed and submitted to Council; and
- (b) The guarantee must be provided to Council in accordance with the Planning Agreement at the time of execution; and
- (c) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement; and
- (d) The Planning Agreement, as executed, must be registered on the title of the land in accordance with the Planning Agreement.

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The ground level floor to floor height is to be increased by at least 150mm to create a floor to floor height of 3900mm, to accommodate a floor to ceiling clearance of at least 3500mm, allowing service vehicles, mini-buses and coaches to enter the site. The proposed awning along the O'Riordan Street frontage is to be raised in the same manner. The 150mm height increase of the ground floor is to be transferred from the floor to floor height of the first floor. The height of the building is not to be increased. An amended set of drawings is to be submitted demonstrating compliance with this modification.
- (b) A loading dock is to be provided within the rear ground floor parking area. This loading dock is to be capable of accommodating semi-rigid vehicles for the delivery and pick up of all goods on site. This may require the loss of some car parking spaces. The number of accessible spaces and bicycle parking is not to be decreased due to the provision of a loading dock. An amended plan of the car park is to be submitted as per Condition (19) of Schedule 1A.
- (c) The parapet is to be increased to 1.2m from 0.6m. All plant and equipment is to be located below the upper edge of the parapet.

(3) UPDATED PLAN OF MANAGEMENT

The Plan of Management (POM) created by Baker Kavanagh Architects and submitted to Council with the initial development application lodgement on 30 November 2015 is to be submitted to Council and approved by the Area Planning Manager with the following amendments:

- (a) The number of car parking spaces to be provided is to be correctly reflected in the POM.
 - (b) Any amendments to the design and operation of the Hotel made under this consent are to be accurately reflected in the POM.
 - (c) An opening statement is to be included in the POM indicating that the premises will be operated and managed in accordance with the plan at all times.
- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of this determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (C) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- (D) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

PART B – CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/1734 dated 2 December 2015 and the following drawings by Baker Kavanagh Architects:

Drawing Name	Drawing Number	Date
Ground Floor Plan	DA 100, rev N	1 August 2016
Level 1	DA 101, rev H	8 September 2016
Level 2	DA 102, rev H	17 Feb 2016

Drawing Name	Drawing Number	Date
Level 3	DA 103, rev H	17 Feb 2016
Level 4	DA 104, rev H	17 Feb 2016
Level 5	DA 105, rev H	17 Feb 2016
Level 6	DA 106, rev H	17 Feb 2016
Level 7	DA 107, rev H	17 Feb 2016
Roof Plan	DA 108, rev H	17 Feb 2016
Elevations 01	DA 200, rev J	1 August 2016
Elevation 02	DA 201, rev I	17 Feb 2016
Elevation 03	DA 202, rev H	8 September 2016
Sections 01	DA 300, rev H	17 Feb 2016
Sections 02	DA 301, rev H	17 Feb 2016

and as amended by the conditions of this consent.

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

(2) MATERIALS AND SAMPLES BOARD

The materials used are to be of an equally high quality and finish to those supplied by the applicants' architects as precedent images. The precedents supplied were: Guesthouse project 2008 in Brussels by Low Architecten, Lisbon Stone Block by Souza Oliveira Arquitectura e Urbanismo, Brion Cemetery by Carlo Scarpa.

A materials sample board detailing all proposed finishes relating them to the precedents must be submitted to the Area Planning Manager for approval prior to a Construction Certificate being issued.

(3) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 36.90 (AHD) to the top of the building and RL 37.10 (AHD) to the top of the lift overrun.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

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

(5) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the business use must not exceed 3.49:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area is 5,650sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(6) FOOD AND DRINK PREMISES USE - SEPARATE DA REQUIRED

A separate development application for the fitout and use of restaurant and bar area must be submitted to and approved by Council prior to that use commencing.

(7) 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	\$59,950.63
Public Domain	\$36,926.13
New Open Space	\$287,719.92
New Roads	\$73,072.74
Accessibility	\$3,030.76
Management	\$3,276.95
Total	\$463,977.13

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 – June 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.

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

In accordance with Clause 7.13 of Sydney Local Environmental Plan 2012 and prior to a Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$464,841.93 based on the in lieu monetary contribution rate for non-residential development at \$68.66 per square metre of total non-residential floor area being 6,770.2sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted (1 March 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 (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 (\$)).

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic, dated 20/11/15, document reference 20151278.1/2011A/R0/YK, revision 0, titled 18 O' Riordan Street, Alexandria DA Acoustic Assessment (The Report), TRIM reference 2015/642760 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority which addresses the following requirements:
- (i) Section 5.1- The consultant has provided rating background noise levels to be in accordance with the NSW EPA and City of Sydney requirements. As the consultant advises that the proposal can comply with the planning noise performance limits determined on the basis of this information, the City reserves its rights under the EP&A Act assess operational requirements against these levels. i.e Table 9 of The Report.
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the 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.

(10) MECHANICAL AIR INTAKES

All mechanical air intakes are to be located on the rooftop of the eastern part of the building and as far as possible from the major source of air pollution. No mechanical plant is permitted to the outside of the building.

(11) MECHANICAL PLANT AREA

1:50 mechanical plant layout drawings are to be provided prior to issue of Construction Certificate, confirming the location and floor area required for all mechanical plant.

- (a) No increase in building floor area will be permitted to accommodate any additional plant area.
- (b) No increase in building height will be permitted to accommodate any additional plant area.

(12) LIFT OVER-RUNS

No increase in building height above 25m from ground level will be permitted to accommodate any required increase in the lift over-run.

(13) ROOF TOP PLANT EQUIPMENT

In accordance with the approved roof plan (DA 108, revision H), no plant equipment is permitted to be installed on the roof which exceeds the height of the parapet.

(14) 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.

(15) SUB-STATION

The location of any sub-station required is to be submitted to the council Area Planning Manager for approval prior to the issue of Construction Certificate.

- (a) 1:20 detail drawings of the proposed housing and/or screening for the sub-station is to be provided to the Area Planning Manager prior to issue of a Construction Certificate.

(16) HYDRANT BOOSTER ASSEMBLY, SPRINKLER BOOSTER ASSEMBLY

Any Fire Hydrant Booster Assembly, Fire Sprinkler Booster Assembly, Fire Hydrant Pump Room are not to be on the primary frontage of the building unless no alternative location is available. Any Fire Equipment required to be on the main frontage of the building is to be integrated into the building design and screened from public view within purposely designed housing. 1:20 Details of the housing are to be provided for approval to the Area Manager prior to issue of a Construction Certificate. No fire assemblies are permitted in the public domain.

(17) 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.

(18) SHOP FRONTS/ CONVENIENCE STORES

- (a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.

- (b) Security roller shutters must not be installed on the outside of the shop front. Any security grill is to be a dark recessive colour, located on the inside of the shop front, must be an open grille / see through and not a solid metal type. Details are to be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.
- (c) Merchandise, public telephones, stored material or the like must not be placed on the footway or other public areas.
- (d) No flashing signage visible from the public way shall be installed.
- (e) The approved layout must not be altered, without the prior approval of Council, where it would result in the shopfront being obscured in any way.
- (f) Any proposed shelving along the glass shopfronts must be of an open-framed, see through construction and the combined height of shelving and any goods displayed must not exceed 1200mm above the finished floor level.
- (g) All shelving, shop fittings, refrigeration equipment and the like which are placed in front of windows, must be kept a minimum of 1 metres from the inside face of the window.

(19) ALLOCATION OF PARKING

The maximum number of the following car spaces may be provided in the rear ground floor car park in accordance with the table below:

Car Parking Type	Number
Serviced apartment/hotel parking	21

The minimum number of the following vehicle spaces must be provided within the rear ground floor car park in accordance with the table below:

Car Parking Type	Number
Accessible serviced apartment/hotel parking	3
Motorcycle parking	1
Service vehicle space/Small Rigid Vehicle loading dock	1
Hotel/serviced apartment drop off and pick up/ Minibus or small coach parking area	1
Total	6

Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

(20) PARKING DESIGN

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

(21) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Non-residential employee/staff	2	Spaces must be Class 2 bicycle facilities
Non-residential guest	10	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	10	

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

(22) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

(23) SIGNS AT EGRESS

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

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

(24) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

(25) VEHICLE FOOTWAY CROSSING

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

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

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

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

A site specific noise management plan shall be submitted to the Council for comment and approval by Council's Area Planning Manager prior to issue of any Construction Certificate.

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

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

- (a) identification of noise sensitive receivers near to the site.
- (b) 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 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (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.

(27) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
 - (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.

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

(28) NO SPEAKERS OR MUSIC OUTSIDE

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

(29) PLAN OF MANAGEMENT

The Hotel is to be operated and managed at all times in accordance with the Plan of Management submitted to Council and adopted in accordance with deferred commencement Condition (3) of this consent.

(30) ASSOCIATED ROADWAY COSTS

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

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

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

(31) 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.

(32) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(33) STREET TREE PROTECTION

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

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

- (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion; and
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
 - (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
 - (d) 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.

(34) STREET TREE PRUNING AND REMOVAL

- (a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works of not more than 10% canopy will be approved by Council.
- (b) In the event that pruning is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, a Pruning Specification prepared by a Consulting Arborist (minimum AQF Leve 5) must be submitted to and approved by Council's Area Planning Manager prior to the issuing of the Construction Certificate. The report must include number of branches and orientation, branch diameter, percentage of live canopy to be removed. This information must also be detailed on photo/s of each tree.
- (c) Any pruning that 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'.

(35) TREE ROOT PROTECTION

- (a) Excavations for the footings must be undertaken using non-destructive methods (such as an Airspade) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.

- (b) Footings shall be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance shall be provided between the tree root and footing.
- (c) Excavations for any pier and beam footings located within the Tree Protection Zone (TPZ), must be supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework.
- (d) The consent from Council must be obtained prior to the undertaking of any root pruning greater than 40mm in diameter.
- (e) All root pruning must be undertaken by a qualified Arborist with a minimum AQF level 3.

(36) REDEFINITION PLAN

- (a) Prior to the issue of a Construction Certificate or any consent for demolition, the boundary definition survey work necessary for the preparation of a redefinition plan redefining the boundaries of Lots 2 & 3 in DP 16475 shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The registered surveyor shall provide a letter to the PCA certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate.
- (b) A plan or CAD file showing the redefined boundaries shall be provided to the project architect, who shall certify in writing that the proposed building as designed will fit within the redefined boundaries, without causing any encroachment of the proposed building or any overhangs attached to the proposed building. This written certification by the project architect shall be provided to the PCA prior to the issue of a Construction Certificate.
- (c) Prior to the issue of an Occupation Certificate, the redefinition plan shall be completed and lodged with the Office of Land and Property Information, NSW, showing the new building and creating any easements as necessary under Section 88B of the Conveyancing Act, 1919. The terms of these easements are to be to the satisfaction of Council. Evidence of lodgement of the redefinition plan shall be supplied to the PCA prior to the issue of the Occupation Certificate.

(37) 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.

(38) 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.

(39) 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.

(40) 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.

(41) 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.

(42) UNDERGROUND STORAGE TANK REMOVAL

The removal of underground storage tanks shall be undertaken in accordance with NSW WorkCover requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed. The tank removal shall be conducted in accordance with the Australian Institute of Petroleum's Code of Practice, The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994) and AS4976-2008 The removal and disposal of underground petroleum storage tanks. In the event of conflict between the Code of Practice and NSW WorkCover requirements, the latter shall prevail.

(43) SITE AUDIT STATEMENT

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

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

(44) LAND REMEDIATION

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by SLR dated 9 February 2016 and referenced Report Number 610.15486-R3 (TRIM 2016/245123) and the Letter of Interim Advice prepared by Rowena Salmon EPA Accredited Site Auditor 1002 dated 11/2/16 and referenced AS121925 (TRIM2016/245125) . 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.

(45) 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.

(46) 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.

(47) CONSTRUCTION AND FITOUT OF FOOD PREMISES

The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 – 2004 Design, Construction and Fitout of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au.

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au.

(48) COOKING EQUIPMENT AND VENTILATION

Cooking must not commence until an air handling system, in accordance with Part F4.12 of the BCA is approved, installed and operational. Cooking is defined as the process of changing any food from raw to cooked by applying heat, and also includes the preparation of food by heating it. This definition does not include heating food in a microwave, a sandwich press, a toaster or similar, unless the kW or MJ combined or separate exceed that specified in the BCA, or if the use of such equipment generates excessive heat, condensation or grease. Cooking equipment that requires an air handling system is specified in AS1668.2 and BCA F4.12.

(49) COOLROOMS

Cool room(s), refrigerated chambers and strong-rooms are to be constructed in accordance with G 1.2 of the Building Code of Australia:

- (a) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
- (b) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- (c) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (d) A door which can be opened at all times from inside without a key.
- (e) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.

(50) DETAILED PLANS OF FOOD FITOUT REQUIRED

Detailed plans of the kitchen, bar and food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fitout of Food Premises and must be submitted to and approved by Council prior to a Construction Certificate being issued.

(51) FOOD PREMISES - HEALTH DATABASE REGISTRATION

The business is to be registered with Council's Health and Building Unit prior to the issue of an Occupation Certificate or occupation with an Interim Occupation Certificate (whichever is earlier).

Note: Registration forms are available on Council's website www.cityofsydney.nsw.gov.au.

(52) GREASE TRAPS

A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. The grease trap room must have a piped connection to the boundary so that it can be emptied. Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.

(53) NOTIFY NSW FOOD AUTHORITY

Prior to the commencement of food handling operations, the food business must notify the NSW Food Authority of the following information including:

- (a) Contact details for the food business, including the name and address of the business and the proprietor of the business.
- (b) The nature of the food business.

- (c) The location of any other food premises associated with the food business, within the jurisdiction of NSW Health.

You may notify the NSW Food Authority via the Internet on www.foodnotify.nsw.gov.au or by contacting the Council for a notification form. Failure to notify the NSW Food Authority may result in a penalty not exceeding \$2,750.

(54) PERSONAL LOCKERS

Clothing lockers or change rooms for male and female staff must be provided in the premises or a dedicated, separate and isolated space for personal items must be provided in a separate location to the food handling and storage areas.

(55) SANITARY FACILITIES – 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.

(56) VENTILATION REQUIRED (MECHANICAL) - VERTICAL DISCHARGE ONLY

The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or AS1668.2 – 2012 if the discharge point is vertical or an alternative solution satisfying the performance objectives of the Building Code of Australia. No approval is granted for the burning of charcoal and solid fuel.

(57) WASTE ROOMS

- (a) To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – Design, Construction and Fitout of Food Premises, and must be:
- (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 relevant regulatory authority (Sydney Water);
 - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
 - (vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

- (b) Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate.

(58) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

The approved mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for all ground floor tenancy in accordance with relevant Australia Standards, in order to allow for the event that the tenancy is 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.

(59) 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.

(60) 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.

(61) 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).

(62) 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.

(63) PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.

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

(64) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

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

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

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;

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

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

(65) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be approved by the Certifying Authority prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

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

(66) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a [insert time frame, typically 12] month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

(67) DRAINAGE AND SERVICE PIT LIDS

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

(68) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 4 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.

SCHEDULE 1C**(69) SURVEY**

- (a) AT FOUNDATION STAGE - All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.
- (b) DURING CONSTRUCTION - A survey of the formwork for the concrete slab at each floor level, showing its position in relation to the site boundaries, must be carried out prior to concrete pour, and supplied to the Principal Certifying Authority.

- (c) AT COMPLETION – Prior to the issue of an Occupation Certificate - A Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment. Any encroachments of the building over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act, 1919, with terms to the satisfaction of Council, must be provided for in conjunction with the redefinition plan referred to in clause (1) above.

(70) 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.

(71) 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.

(72) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

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

(73) 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).

(74) INSTALLATION OF GRAPHICS AND ARTWORK ON SCAFFOLDING (BUILDING / CONSTRUCTION WRAPS)

- (a) Where scaffolding is to be installed to undertake the proposed development an approved graphic / artwork installation must be provided on the scaffolding system to shield the development from the public place and to minimise adverse visual impacts on the locality.
- (b) The graphic installation must be printed, installed and maintained in accordance with Council's Guidelines for Hoardings and Scaffolding. Details of the proposed graphic must be submitted to and approved by Council prior to the installation of any scaffolding.

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

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

IMPORTANT NOTE:

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

(76) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)

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

(77) 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.

(78) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 4 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.

(79) 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.

(80) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

(81) 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.

During Construction/Prior to Occupation/Completion**(82) 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.

(83) OCCUPATION CERTIFICATE TO BE SUBMITTED

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

(84) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

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

(85) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(86) 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.

(87) 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.

(88) VEHICLE CLEANSING

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

(89) 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.

(90) NO OBSTRUCTION OF PUBLIC WAY

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

(91) USE OF MOBILE CRANES

The following requirements apply:

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

SCHEDULE 1D

Conditions from Sydney Trains made under Clause 85 of SEPP (Infrastructure) 2007.

- (92) Prior to the issuing of a Construction Certificate the Applicant shall submit to Sydney Trains for review and endorsement certification from geotechnical and structural engineers that the proposed works will comply with Airport Tunnel Protection Guidelines. The engineers are to provide documentation as to how compliance has been achieved. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (93)** All excavation/ground penetration works within 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
- (94)** No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- (95)** The Applicant is to submit to Council. For its records, copies of any certificate. Drawings or approvals given to or issued by Sydney Trains.
- (96)** If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. The dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.
- (97)** The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

 - (a) Machinery to be used during demolition, excavation/ground penetration and construction

It should be noted that excavations undertaken in rock are to maintain and limit vibration levels to levels that will not adversely impact Sydney Trains assets.

- (98)** Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principle Certifying Authority with the application for a Construction Certificate.
- (99)** Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor. The Applicant is to contact the Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principle Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (100)** Prior to issue of a Construction Certificate the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (101)** Prior to the issuing of an Occupation Certificate the Applicant shall provide Sydney Trains and Council as-built drawings and a survey locating the development with respect to any rail boundary, Sydney Trains easement and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative. The as-built survey is to confirm that there has been no encroachment into any Sydney Trains land or easement area.

SCHEDULE 2

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

Carried unanimously.

Report of the Development Assessment Sub-Committee

Moved by Councillor Thalys, seconded by Councillor Kok -

That the report of the Development Assessment Sub-Committee of its meeting of 10 October 2016 be received, with the recommendations set out below for Items 9.14 to 9.16 inclusive being adopted.

Carried unanimously.

The Development Assessment Sub-Committee recommended the following:

ITEM 9.14

DEVELOPMENT APPLICATION: 1-21 BAY STREET - 213 BROADWAY - 23-35A BAY STREET GLEBE - BROADWAY SHOPPING CENTRE (D/2016/582)

It is resolved that:

- (A) the variation sought to Clause 4.3 Height of Buildings, in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012, be supported in this instance;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2016/582, subject to the following:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

(1) SURRENDER OF CONSENT

Pursuant to Section 80A(1) (b) of the Environmental Planning and Assessment Act 1979 and Section 97 of the Environmental Planning and Assessment Regulation 2000, Development consent D/1998/10 (notated as DA 10/98 by Leichardt Municipal Council) is to be surrendered.

(2) AMENDED SIGNAGE STRATEGY

The signage strategy is to be amended to outline the following information regarding the design and location of signage:

- (a) The only spaces considered to be acceptable for future parapet level signs are 1 sign to the right of the Aldi sign on the Bay Street elevation of the Grose Street building, below the H&M sign on the Greek Street elevation of the Greek Street building and 1 space in the row of signs to the Grose Street elevation of the Grose Street building.
 - (i) The signs are to maintain an equidistant clearance from each neighbouring sign and the building corner;
 - (ii) After the use of these two spaces the maximum number of parapet level signs will have been reached; and
 - (iii) The row of signs to the Grose Street elevation of the Grose Street building can be individually shortened in length to accommodate the H & M sign. No more than 5 signs in 1 row are approved in this location.
- (b) All tenancy, building identification and car/bicycle parking signs are to be subject to the following standards:
 - (i) Illuminated signs are not to have a white background;
 - (ii) Not contain moving or flashing lighting;
 - (iii) Any future proposed illuminated signs are to be internally illuminated and constructed so that all conduit or cabling supplying power to the sign is completely concealed from view within the awning or sign structures;
 - (iv) Not contain or display offensive material;
 - (v) Not contain additional advertising promoting products or services other than the approved ground floor use of the premises irrespective of whether that product or service is sold on the premises;
 - (vi) Banners on the Model and Moxham building are only to depict building identification information and must be consistent for all 5 banners;
 - (vii) All signs to the Model and Moxham building are to consider and reflect the traditional and historic characteristics of the building;
 - (viii) Display the English translation of any wording of another language; and
 - (ix) Not be relocated without the relevant consent having first be obtained.
- (c) Any supporting structure is to:

- (i) Be constructed from durable materials that will not stain or damage the supporting wall; and
 - (ii) Be identical to the supporting structure of any other approved projecting ground level sign on the building.
- (d) Any additional signs (subject to consent) in each signage zone are to be designed in accordance with the relevant planning controls and are not to result in additional visual clutter.
- (e) Elevation plans of each signage zone are to be created that include all of the facades of the three buildings that have signage.
- (f) Any amendments to the signage provision on the site will require amendments to this signage strategy where appropriate.
- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council 12 months from the issue of the Notice of Determination;
- (D) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

PART B – CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2016/582 dated 9 May 2016 and the following drawings:

Drawing Number	Architect	Date
SK200, Rev C	HAMES SHARLEY	29/07/16
SK201 Rev C	HAMES SHARLEY	29/07/16

Drawing Number	Architect	Date
SK202 Rev C	HAMES SHARLEY	29/07/16
SK203 Rev C	HAMES SHARLEY	29/07/16
SK204 Rev C	HAMES SHARLEY	29/07/16
SK205 Rev C	HAMES SHARLEY	29/07/16
SK206 Rev C	HAMES SHARLEY	29/07/16
SS600 Rev D	HAMES SHARLEY	02/08/16
SS601 Rev D	HAMES SHARLEY	02/08/16

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) SIGN ILLUMINATION

- (a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable and obtrusive glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with AS4282-1997 control of obtrusive effects of outdoor lighting.
- (b) The signs must not flash.
- (c) The signs must cease illumination at 11.30pm.

(3) ERECTION OF SIGNS

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

(4) SIGNS ON THE MODEL AND MOXHAM BUILDING

- (a) The H&M sign to the western elevation of the building is to be painted to the facade.
- (b) The projecting car and bicycle parking sign on the Bay Street frontage and painted H&M sign on the western elevation are not to be internally or externally illuminated.

(5) SIZE OF PROJECTING CAR AND BICYCLE PARKING SIGNS

The following car and bicycle signs are to be no larger than 1130mm (w) x 1300mm (h) in size:

- (a) Projecting car and bicycle sign on the Bay Street elevation of the Model and Moxham building;
- (b) Projecting car and bicycle sign on the Francis Street Elevation of the Grose Street building; and
- (c) Projecting car and bicycle sign on the Grose Street elevation of the Grose Street building.

(6) H&M SIGN TO GROSE STREET ELEVATION

The proposed H&M sign is to be placed within the same row as the existing signs on this elevation. No approval is given for it to be placed underneath the existing row.

(7) SCOPE OF APPROVED WORKS

- (a) Despite being annotated as 'existing' on the approved plans, unless already approved by another development consent the following signs are not approved and are to be removed
 - (i) 4 business name signs located behind the windows of the Parramatta Road frontage of the Model and Moxham building.
 - (ii) Fernwood Fitness and Harris Farm window signs on the Francis Street elevation of the Grose Street building.
- (b) The installation of the following signs are not part of this approval
 - (i) 1 building identification and wayfinding panel sign at the sky bridge entrance on the Francis Street facade of the Grose Street building;
 - (ii) 1 totem wall mounted wayfinding sign on the Bay Street elevation, located at ground floor level adjacent to the main entry escalators on the Grose Street Building;
 - (iii) 1 totem wayfinding sign on the Grose Street elevation, affixed to the base of the sky bridge ramp; and
 - (iv) 1 illuminated car and bicycle sign to the awning post of the Grose Street building at the corner of Grose and Bay Street.

SCHEDULE 1B

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

(8) STRUCTURAL CERTIFICATION - MINOR SIGNAGE

Prior to the issue of a Construction Certificate details of the proposed method of fixing the signs to the building must be provided to and approved by Council (where Council is the Certifying Authority).

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(9) 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.

(10) 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.

(11) LOADING AND UNLOADING DURING CONSTRUCTION

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(12) NO OBSTRUCTION OF PUBLIC WAY

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

(13) 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.

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: 363 GLEBE POINT ROAD GLEBE (D/2016/50)**

It is resolved that:

- (A) the variation sought to the Height of Buildings development standard, in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012, be supported in this instance; and
- (B) consent be granted to Development Application No. D/2016/50, 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/2016/50, dated 18 January 2016 and the following drawings:

Drawing Number	Drawing Title	Architect	Dated
DA100 Rev. C	Site Plan	McNally Architects	30/5/16
DA101 Rev. D	Ground Floor Plan	McNally Architects	30/5/16
DA102 Rev. D	First Floor Plan	McNally Architects	30/5/16
DA103 Rev. D	Second Floor Plan	McNally Architects	30/5/16
DA104 Rev. C	Mezzanine Floor Plan Unit 6	McNally Architects	30/5/16
DA105 Rev. B	Roof Plan	McNally Architects	11/5/16
DA106 Rev. C	Elevations – Sheet 1	McNally Architects	30/5/16
DA107 Rev. B	Elevations Sheet 2	McNally Architects	11/5/16
DA108 Rev. C	Elevations Sheet 3	McNally Architects	30/5/16
DA109 Rev. C	Section	McNally Architects	30/5/16
DA110 Rev. C	Sections – Roof Level	McNally Architects	30/5/16
DA112 Rev. C	Stormwater Concept Plan	McNally Architects	30/5/16

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The balcony serving Unit 7 on the first floor must be deleted and the existing window retained (and repaired if necessary).
- (b) The garage structure must be deleted and the provision of a communal open space at existing ground level is to be provided. The communal open space must include a planter box along the base of the new balcony of Unit 1 to enable the provision of screen planting and an appropriate waste storage area.

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

(3) MATERIALS AND SAMPLES BOARD

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

(4) EXTERNAL COLOUR SCHEME (OTHER BUILDINGS)

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

(5) 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) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (e) The new windows and doors on the existing building must match the original material, which is timber joinery.

(6) 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.

(7) VEHICLE FOOTWAY CROSSING

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

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

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

(8) AIR CONDITIONING UNITS

Approval is not granted or implied for the installation of individual air conditioning units.

(9) SHOP FRONTS/ CONVENIENCE STORES

- (a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- (b) Security roller shutters must not be installed on the outside of the shop front. Any security grille is to be a dark recessive colour, located on the inside of the shop front, must be an open grille / see through and not a solid metal type. Details are to be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.
- (c) Merchandise, public telephones, stored material or the like must not be placed on the footway or other public areas.
- (d) No flashing signage visible from the public way shall be installed.
- (e) The approved layout must not be altered, without the prior approval of Council, where it would result in the shopfront being obscured in any way.

- (f) Any proposed shelving along the glass shopfronts must be of an open-framed, see through construction and the combined height of shelving and any goods displayed must not exceed 1200mm above the finished floor level.
- (g) All shelving, shop fittings, refrigeration equipment and the like which are placed in front of windows, must be kept a minimum of 1 metres from the inside face of the window.

(10) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs under Council's exempt and complying DCPs) must be submitted to and approved by Council prior to the erection or display of any such signs.

SCHEDULE 1B

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

(11) 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.

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

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the whole building must comply with the Building Code of Australia (BCA) including:
 - (i) Fire resistance and stability - Part C1;
 - (ii) Compartmentation and separation - Part C2;
 - (iii) Protection of openings - Part C3;
 - (iv) Provision for escape (access and egress) - Part D1;
 - (v) Construction of exits - Part D2;
 - (vi) Access for people with disabilities - Part D3;

Note: Compliance with the access provisions of Part D3 may necessitate design modifications prior to a Construction Certificate being issued.

- (vii) Firefighting equipment - Part E1;
- (viii) Smoke hazard management - Part E2;

- (ix) Emergency lighting, exit signs and warning systems - Part E4;
- (x) Damp and weatherproofing - Part F1;
- (xi) Sanitary and other facilities - Part F2;
- (xii) Room sizes - Part F3;
- (xiii) Light and ventilation - Part F4;
- (xiv) Sound transmission and insulation - Part F5;
- (xv) Energy Efficiency - Artificial lighting and power - Part J6.

Prior to a Construction Certificate being issued the Certifying Authority must ensure that the proposed works and other upgrading works required by this condition satisfy the Building Code of Australia by complying with Clause A0.4 of the BCA.

(13) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS

Stone, bricks, roof tiles, joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses must be salvaged and where possible reused on the project.

Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.

(14) DISPOSAL OF SURPLUS SALVAGED MATERIALS

Salvaged traditional building materials surplus to the requirements of this project including stone, bricks, structural timber and joinery are to be sold to an established dealer in second hand heritage building materials. Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

(15) HERITAGE CONSERVATION WORKS

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's own Heritage Specialist for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage value including but not limited to the following: rendered walls, brickwork, door and window joinery, glazing, hardware, pavements, tiling, roof plumbing, roofing and painting.
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.

- (d) 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.
- (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (f) **INSPECTION AND APPROVAL:** The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, Council's own Heritage Specialist prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

(16) MATERIALS FOR MAKING GOOD

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

(17) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the 363 Glebe Point Road is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

A digital based recording is to include:

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

A film based recording is to include:

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

(18) SITES IN THE VICINITY OF A HERITAGE ITEM

The proposed works are to ensure that 363 Glebe Point Road is to be suitably protected during the construction process. The contractor or developer must conduct consultations with the stockholders of the neighbouring heritage site, record and monitor the conditions of the heritage building and take suitable measures to control and minimize any risks to the heritage fabric during construction. The protection measures should be incorporated into the construction management plan. Details of the protection plan must be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of the Construction Certificate.

(19) USE OF HERITAGE CONSULTANT

A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms are to be provided to Council's Urban Design and Heritage Manager prior to commencement of work on site. The heritage consultant must sign off the completed project and submit a final report to Council's Urban Design and Heritage Manager specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

(20) ASBESTOS REMOVAL WORKS

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

(21) 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.

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

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

IMPORTANT NOTE:

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

(23) 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.

(24) 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).

(25) DILAPIDATION REPORT – MINOR

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

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

(26) 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.

(27) 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).

(28) 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.

(29) 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.

(30) 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).

(31) INSTALLATION OF DUAL-FLUSH TOILETS

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

(32) INSTALLATION OF WATER EFFICIENT TAPS

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

(33) SYDNEY WATER CERTIFICATE (TAP-IN)

- (a) The approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's "Tap-in" online service is available at www.sydneywater.com.au, (see Plumbing, Building & Development and then Sydney Water "Tap-in").
- (b) The Consent Authority or a Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

(34) 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****(35) BASIX**

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

(36) 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.

(37) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(38) 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.

(39) 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.

(40) 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.

(41) 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.

(42) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

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

(43) 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.

(44) 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.

(45) OCCUPATION CERTIFICATE TO BE SUBMITTED

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

SCHEDULE 2

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

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

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

Carried unanimously.

Speakers

Ms Chris Newton addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.15.

ITEM 9.16

DEVELOPMENT APPLICATION: 71-79 MACQUARIE STREET SYDNEY (D/2016/715)

It is resolved that consent be granted to Development Application No. D/2016/715, 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/2016/715 dated 2 June 2016 and the following drawings:

Drawing Number	Architect	Date
SK-002 rev. B	Crone Architects	25 May 2016
SK-003 rev. C	Crone Architects	25 May 2016
SK-004 rev. C	Crone Architects	25 May 2016

and as amended by the conditions of this consent.

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

(2) REFLECTIVITY

The Certifying Authority must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20% prior to issue of the Construction Certificate.

(3) COST SUMMARY REPORT - CONCURRENT WITH ISSUE OF CONSTRUCTION CERTIFICATE

- (a) Concurrent with the issue of a Construction Certificate, the "City of Sydney - Cost Summary Report" must be completed in full and submitted to Council by the Certifying Authority indicating the itemised cost of the development. A copy of the required report format may be obtained from the City of Sydney One Stop Shop and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
- (b) Should the total cost of the development exceed \$200,000, a contribution comprising 1% of the total cost of the proposed development under Section 61 of the City of Sydney Act 1988 and the Central Sydney Development Contributions Plan 2013 must be paid prior to the release of the Construction Certificate. Such payment must be verified by the Principal Certifying Authority. Payment, if applicable, may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (c) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (c) below.
- (d) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

SCHEDULE 1B

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

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

(4) ASBESTOS REMOVAL WORKS

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.

(5) 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.

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(6) 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.

(7) HOURS OF WORK AND NOISE – CBD

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

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

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

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

(8) NO OBSTRUCTION OF PUBLIC WAY

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

SCHEDULE 2

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

Carried unanimously.

Speakers

Ms Sonia Fenton addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.16.

ITEM 10 DELEGATION TO CHINA – OCTOBER AND NOVEMBER 2016 (S050647)

Moved by Councillor Kok, seconded by Councillor Chung –

It is resolved that Council:

- (A) endorse Councillor Robert Kok to participate in the China Cultural Trip in Shanghai and Chengdu;
- (B) endorse Councillor Robert Kok to participate in the Guangzhou International Sister-City Roundtable and 2016 Guangdong 21st Century Maritime Silk Road International Expo to represent the City of Sydney;
- (C) endorse Councillor Robert Kok to participate in the launch ceremony of the University of Sydney's Centre in China; and
- (D) note that Councillor Robert Kok will provide a report to Council after the travel.

Carried unanimously.

ITEM 11 PROPERTY SERVICES MATTER (S118542.014)

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

It is resolved that Council:

- (A) note confidential Attachment A to the subject report; and
- (B) adopt the Recommendation contained in confidential Attachment A to the subject report.

Carried unanimously.

ITEM 12 QUESTIONS ON NOTICE**NON-RESIDENTIAL REGISTER FOR THE CITY OF SYDNEY LOCAL GOVERNMENT ELECTIONS 2016 (S129276)**

1. By Councillor Vithoukas

Question

The City of Sydney CEO was tasked with the responsibility of preparing the Non-Residential Register for the 10 September 2016 elections.

The CEO update of 12 August 2016 detailed that the City wrote directly to 138,000 property owners, corporations, occupiers, sole traders and others informing them of their potential right to vote, and asking them to register. The City received more than 40,000 responses with a total of 22,972 non-residential voters verified by the Electoral Commission.

1. What was the breakdown, in numbers, of owners, corporations, occupiers and sole traders in the more than 40,000 responses received by the City of Sydney?
2. What was the breakdown, in numbers, of owners, corporations, occupiers and sole traders in the 22,972 non-residential voters verified by the Electoral Commission?
3. How many corporations nominated more than 1 or up to 2 representatives for the City of Sydney Non-Residential Register from the more than 40,000 responses received?
4. How many corporations nominated more than 1 or up to 2 representatives that were finally deemed eligible to vote as per the 22,972 verified by the NSW Electoral Commission?

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 that a post-election update will be provided shortly.

NON-RESIDENTIAL REGISTER (S129269)

2. By Councillor Forster

Question

How many non-residential applicants submitted forms, either complete or partially complete, with the intention that they would be included on the non-residential register for the 10 September City of Sydney local government elections?

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 1 (above).

OXFORD STREET SAFETY AUDIT (S129269)

3. By Councillor Forster

Question

In June 2016, I moved a motion calling for a comprehensive safety audit of all the City of Sydney's properties along Oxford Street following an incident involving a 400kg keystone dislodging from a Council-owned property at 110 Oxford Street and falling onto the footpath below.

Council declined to conduct a safety audit but, in a foreshadowed resolution, voted to request the Chief Executive Officer to continue to inform Council of work being undertaken to manage, maintain and improve the City's Oxford Street properties through the CEO Update.

To date, no update has been provided, despite the fact that temporary supports have been installed under the awnings attached to Council-owned properties along Oxford Street.

What work has been undertaken to manage, maintain and improve the City's Oxford Street properties?

How much additional work is expected to be required and when is this scheduled for completion?

Answer by the Lord Mayor

I have been advised that a CEO Update on this matter will be provided to Councillors shortly.

1-5 FLINDERS STREET (T2 BUILDING) (S129269)

4. By Councillor Forster

Question

In February 2016, Council endorsed in principle the disposal of 1-5 Flinders Street and requested the CEO to conduct an Expression of Interest to identify suitable proponents to acquire, refurbish and use the property at 1-5 Flinders Street consistent with the City's objectives of urban renewal.

What is the current status of this Expression of Interest process?

Answer by the Lord Mayor

I have been advised that this matter is in progress. The outcomes of the Expression of Interest process and accompanying recommendations will be reported back to Council in due course.

WORK EXPERIENCE, WORK PLACEMENT AND INTERNSHIPS (S129275)

5. By Councillor Scott

Question

I refer to the City of Sydney's "Sydney New Year's Eve Media Internship" advertised on the websites pedestrian.tv and au.indeed.com published 4 October 2016.

1. How was the position advertised? Please advise on details of where, and for how long.
2. Has the City advertised this position or similar positions in previous years? If so, in which years? If so, on which platforms were the positions advertised?
3. By year, please advise any expenditure incurred for the position to be advertised, and other City expenditure incurred with regard to the position.
4. How many volunteers does the City have, by year? Please break down by City Unit.
5. How many internships does the City offer, per year? Please break down by City Unit.
6. What other unpaid positions within the City organisation does the City recruit for or host? If others, please details how many and in which City Unit they operate.
7. What is the process the City undertakes to assess whether a position is a volunteer, internship or paid position? Are external stakeholders consulted?
8. Please table the adverts of these positions as published for volunteer and internship positions.

Answer by the Lord Mayor

1. City staff contacted media and communications internship coordinators at local universities, including the University of Sydney, UTS and UNSW to advise them of the opportunity. The position was also advertised on Pedestrian.TV from 28 September to 10 October 2016.
2. In response to requests from university media and communications departments, the City has run a media internship program for Sydney New Year's Eve each year since 2007. The position was also advertised on Pedestrian.TV in 2015 and 2016.
3. The 2016 advertisement fee was \$49.
4. In 2015/16 the City had 1,873 recorded volunteers who worked across a range of community programs and major events. These included working in community gardens, tree planting on National Tree Day and Sydney Park bush regeneration. Major events such as the Sydney 2015 New Year's Eve, Chinese New Year and Art and About also attracted volunteers to be welcome hosts and provide spectator and visitor services.
5. The City offers five unpaid internship places each year: four places in Creative City for City New Year's Eve and one in Communications and Media.

The City does have some structured paid internship programs focusing particularly on areas of skill shortage or disadvantaged job seekers. These include graduate roles, UNSW Co-op Scholarship Program, ArtsReady and CareerSeekers. People in these programs are paid.

6. In 2015/16 the City hosted 61 vocational or work experience placements as part of a student's structured education program or where industry experience is a requirement of their study. These were hosted in the following business units:

Libraries & Learning 13
City Culture & Creativity 1
Greening & Leisure 1
Social Policy & Programs 45
Legal Services 1

7. The City's Work experience procedure is informed by the Australian Government Fair Work Ombudsman *Guidelines on work experience and internships*. These ensure members of the community who take up work experience opportunities at the City are treated fairly and in accordance with the law. A key consideration is whether the work experience or internship is learning focused.

The City's Volunteer Policy is also informed by Volunteering Australia's guidelines. Volunteering is time willingly given for the common good and without financial gain.

8. Requested copies will be distributed via CEO Update.

NON-RESIDENTIAL REGISTER (S129275)

6. By Councillor Scott

Question

I refer to the City of Sydney's Non-Residential Register and Roll.

1. How many applications were sent for City of Sydney's Non-Residential Register and Roll?
2. How many applications were received for City of Sydney's Non-Residential Register and Roll?
3. Of those mailed who didn't respond, were any follow-up actions taken? Please detail any, and the time period of those actions taken.
4. Of the applications received for City of Sydney's Non-Residential Register and Roll, how many were allocated a vote?
5. Of the applications received for City of Sydney's Non-Residential Register and Roll, how many were not allocated a vote?
6. On what grounds were these applications rejected? What was the breakdown of the categories of grounds of rejection of these applications?
7. Of those mailed applications to vote, how many entities are state-owned?
8. Of those deemed eligible to vote, how many entities are state-owned?

9. When were ineligible applicants notified of their ineligibility?
10. How were ineligible applicants notified of their ineligibility?
11. What processes of appeal were available to ineligible applicants?
12. Were ineligible applicants advised of the availability of an avenue of appeal? How?
13. What time frame was afforded to ineligible applicants to pursue an appeal of a finding of ineligibility? And when was this time frame deemed to have commenced?
14. How else were applications for the City of Sydney's Non-Residential Register and Roll made available or distributed?
15. If applications for the City of Sydney's Non-Residential Register and Roll were made available at City or Lord Mayoral functions, please provide a list of these functions by date, and the cost to the City of these functions.
16. If applications for the City of Sydney's Non-Residential Register and Roll were made available at City or Lord Mayoral functions, please provide a list of other Councillors invited to these functions, broken down by date.
17. How many votes/registrations were allocated according to the deeming provisions, where no application was received?
18. How were the contact details to deem voters onto the register compiled?
19. What was the final breakdown of expenditure by the City of its collation and management of the Non-Residential Register and Roll?
20. What monies have been allocated for 2016/17 and 2017/18 for the maintenance of the Register and Roll? How many staff have been allocated to this task, and what duties will they undertake?
21. How many of those on the City of Sydney's Non-Residential Register and Roll failed to vote?
22. Of those who failed to vote, who has responsibility for fining the entities?
23. If the City, please advise when they will be fined?
24. Where do the funds from the fines go?
25. How many complaints has the City received about the Non-Residential Register and Roll?
26. When complainants contacted the City, how did the City advise them to proceed?

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 1.

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**LIVE STREAMING OF COUNCIL AND COMMITTEE MEETINGS (\$129260)**

1. Moved by Councillor Forster, seconded by Councillor Chung -

It is resolved that:

(A) Council note:

(i) in March 2016, Council resolved to:

Request the Chief Executive Officer to prepare a costed implementation plan for a 12 month trial of live streaming using the most reasonable equipment and approach, including any required amendments to the Code of Meeting Practice, to be brought back to the Council meeting of 16 May 2016 for approval to proceed.

(ii) on 16 May 2016, the Chief Executive Officer provided a memorandum to Councillors that included an indicative implementation plan and outline of issues that needed to be resolved prior to the commencement of live streaming of Council and Committee meetings; and

(iii) the memorandum resolved to defer further consideration of this matter pending the election of a new Council in September 2016 (so as to enable the provision of input and guidance from elected members of the new Council regarding the arrangements for the streaming of Council and Committee meetings); and

(B) Council request the Chief Executive Officer to:

(i) immediately provide to all current Councillors the details of and relevant background to the May 2016 CEO Memorandum, including the indicative cost of a 12 month trial of live streaming of Council and Committee meetings; and

(ii) seek input and guidance from the elected members of the new Council at the Briefings scheduled for 7 November 2016, with a view to collaboratively developing a proposal to come to the 21 November 2016 Council meeting.

The motion was lost on the following show of hands –

Ayes (4) Councillors Chung, Forster, Scott and Vithoukias

Noes (6) The Lord Mayor, Councillors Kok, Miller, Phelps, Scully and Thalys.

Motion lost.

SUPPORT FOR INNOVATION IN REGIONAL AUSTRALIA (\$129267)

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

It is resolved that:

(A) Council note:

- (i) the City of Sydney has a strong and vibrant start-up community;
 - (ii) the City of Sydney encourages collaboration and dialogue between start-ups as a way to share information and facilitate further innovation;
 - (iii) as part of Focus and outcomes, the Tech Startups Action Plan that the Council has previously endorsed states: "Promote opportunity, and build on strong regional, national and global links cross-sector networks, to support the continued development of strong industry clusters.";
 - (iv) regional Australia has been experiencing the emergence of start-ups and entrepreneurial activities that increasingly use digital technology both in the R&D process and in furthering collaboration with local, interstate and international markets;
 - (v) the Innovation in Regional Australia report notes that 150 regional areas have higher than average rates of innovative capacity that provide a foundation for spreading the 'Ideas boom'; and
 - (vi) regional councils, such as the City of Wagga Wagga, are supporting innovation in their local government areas; and
- (B) the Chief Executive Officer be requested to:
- (i) write to the General Manager of Wagga Wagga City Council congratulating them on their support for innovation in regional Australia; and
 - (ii) demonstrate the City of Sydney's leadership in supporting and promoting the economic and social impacts of tech start-up ecosystems by meeting with Local Government NSW to share the City's knowledge, research and networks to encourage Local Government NSW to promote these initiatives to all Councils in New South Wales.

Carried unanimously.

Adjournment

At this stage of the meeting, at 8.48pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately 10 minutes.

The motion was carried on the following show of hands –

Ayes (9) The Lord Mayor, Councillors Chung, Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoulkas

Noes (1) Councillor Forster.

Motion carried.

At the resumption of the meeting of Council, at 9.02 pm, those present were –

The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukas

SURRY HILLS TREES (S129266)

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

It is resolved that Council:

(A) note:

- (i) the NSW State Government's announcement to remove 60 trees from the Surry Hills area to allow construction of the Sydney Light Rail Project through Surry Hills;
 - (ii) the NSW State Government's removal of almost 400 trees since commencement of construction of the Sydney Light Rail Project; and
 - (iii) the City's contribution of \$220 million towards the Sydney Light Rail Project;
- (B) subject to any constraints imposed by the terms and conditions of relevant agreements with Transport for NSW, withhold funding of the project until all options to save these trees from removal have been explored with the NSW State Government; and
- (C) provide evidence of the options taken to save the trees, and how many trees have been saved as a result, on the City's website.

Foreshadowed Motion. Councillor Thalís foreshadowed that, should the motion moved by Councillor Scott be lost, he would move the following alternative motion:

It is resolved that Council:

(A) note:

- (i) the State Government's announcement that 60 trees will be removed from the Surry Hills area to allow for construction of the Sydney Light Rail Project through Surry Hills;
- (ii) the NSW State Government's removal of almost 400 trees since commencement of construction of the Sydney Light Rail Project, most of which were in the Randwick Local Government Area;
- (iii) the City's contribution of \$220 million towards the Sydney Light Rail Project;
- (iv) based on current designs, up to 68 new trees and arbours will be planted along Devonshire Street, due in part to improvements secured by the City and the Lord Mayor, which include:
 - (a) 24 new trees planted in front of the Northcott Estate;

- (b) 20 new trees to be planted in the five new pocket parks along Devonshire Street;
 - (c) 19 new on-street trees;
 - (d) approximately 34 new trees in Wimbo Park, as part of the new park on the former Olivia Gardens site;
 - (e) 202 new trees planted in the local area; and
 - (f) floral arbours between the light rail poles, which will greatly improve the visual amenity of the street;
- (v) the progress that has been made by the City and the Lord Mayor in achieving an enhanced public domain in Surry Hills, including:
- (a) electricity power lines will be underground;
 - (b) a commitment by the Minister for Transport that high quality paving will be used for the whole street (on the road and footpath); and
 - (c) footpaths will be widened, where possible; and
- (B) request the Chief Executive Officer to keep Councillors updated on progress in ensuring a superior design and amenity outcome for the project in the City of Sydney Local Government Area.

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

Ayes (2) Councillors Scott and Vithoukias

Noes (8) The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scully and Thalís.

Motion lost.

Councillor Thalís then moved his foreshadowed motion, seconded by Councillor Miller.

Carried unanimously.

MARRIAGE EQUALITY FREE VOTE (\$129266)

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

It is resolved that Council:

- (A) note:
- (i) the City's place as a modern global LGBTIQ hub;
 - (ii) the Turnbull Coalition Government's proposal to resolve the issue of Marriage Equality by way of a plebiscite;

- (iii) the opposition to a plebiscite on Marriage Equality from Australian Marriage Equality and other LGBTIQ advocacy groups, on the basis that a plebiscite would give anti-LGBTIQ groups a taxpayer-funded platform to disseminate hateful speech and material;
 - (iv) the risk of harm to the mental health of LGBTIQ individuals as a result of hateful speech and material disseminated by anti-LGBTIQ groups; and
 - (v) the Labor Opposition's rejection of the Turnbull Coalition Government's proposed Marriage Equality plebiscite and its support for a conscience vote on Marriage Equality in the parliament;
- (B) recognise the tireless work of Marriage Equality campaigners and all community members engaging respectfully in this issue;
- (C) acknowledge the risk of mental harm to LGBTIQ individuals which would arise from a plebiscite; and
- (D) welcome the Labor Opposition's rejection of the Turnbull Coalition Government's proposed plebiscite.

Foreshadowed Motion. Councillor Phelps foreshadowed that, should the motion moved by Councillor Scott be lost, she would move an alternative motion.

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

Ayes (2) Councillors Scott and Vithoulikas

Noes (8) The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scully and Thalys.

Motion lost.

Councillor Phelps then moved her alternative motion, seconded by Councillor Scully, as follows:

It is resolved that Council:

- (A) reaffirm its support for marriage equality for all Australians;
- (B) strongly oppose the Commonwealth Government's proposed plebiscite on same-sex marriage, noting that the results of the plebiscite will be non-binding on the Australian Parliament;
- (C) commend the work of marriage equality campaigners, the LGBTI community, leading mental health professionals and other people of goodwill in raising public awareness about the real possibility of a potentially divisive and hate-filled campaign against marriage equality which risks:
 - (i) calling into question the value and worth of the personal and family relationships of many Australians; and
 - (ii) exposing LGBTI Australians, particularly vulnerable young Australians, to risk of mental harm;

- (D) commend all political parties and individual Senators who have indicated their intention to vote against the Plebiscite (Same-Sex Marriage) Bill 2016 when it is considered by the Australian Senate;
- (E) call upon all Parliamentary supporters of marriage equality to work together to bring forward a bill amending the Marriage Act 1961 to achieve marriage equality;
- (F) call upon the Commonwealth Parliament to debate and vote on this Bill during the current Parliamentary session; and
- (G) request the Chief Executive Officer to ensure that the City of Sydney's participation in the 2017 Sydney Gay and Lesbian Mardi Gras Parade focuses on Council's support for marriage equality, opposition to a plebiscite and the need for the Commonwealth Parliament to legislate for marriage equality.

Procedural Motion

Moved by Councillor Phelps, seconded by Councillor Forster –

That the motion be separated and dealt with in two parts: Part 1 to include Clauses (A), (C), (E), (F) and G) and Part 2 to include Clauses (B) and (D).

Carried.

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

That Part 1 of the motion be adopted.

Carried.

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

That Part 2 of the motion be adopted.

Part 2 was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoukas.

Noes (2) Councillors Chung and Forster.

Motion carried.

NATIONAL FAIR INTERNSHIP PLEDGE (S129266)

5. By Councillor Scott -

It is resolved that Council:

(A) note:

- (i) Interns Australia's National Fair Internship Pledge, which functions to recognise and promote employers whose internships meet best practice standards; and

- (ii) under the National Fair Internship Pledge, employers offering internship programs that meet best practice standards can register for a review of their program and, upon approval, are able to use the National Fair Internship seal to promote their internship program; and
- (B) request the Chief Executive Officer to apply for recognition under the National Fair Internship Pledge.

Note - at the meeting of Council, the content of the original Notice of Motion was varied by Councillor Scott. Subsequently, it was:

Moved by Councillor Scott, seconded by Councillor Vithoukias -

It is resolved that the City of Sydney:

- (A) note:
 - (i) Interns Australia's National Fair Internship Pledge, which functions to recognise and promote employers whose internships meet best practice standards; and
 - (ii) under the National Fair Internship Pledge, employers offering internship programs that meet best practice standards can register for a review of their program and, upon approval, are able to use the National Fair Internship seal to promote their internship program;
- (B) request the Chief Executive Officer to apply for recognition under the National Fair Internship Pledge; and
- (C) request the Chief Executive Officer to undertake the necessary measures to ensure that all internships offered by the City, through its Creative City division, Communications and Media division, and Events division, comply with the Media, Entertainment and Arts Alliance Guidelines on Media Internships.

Foreshadowed Motion. Councillor Miller foreshadowed that, should the motion moved by Councillor Scott be lost, she would move an alternative motion.

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

Ayes (4) Councillors Chung, Forster, Scott and Vithoukias

Noes (6) The Lord Mayor, Councillors Kok, Miller, Phelps, Scully and Thalys.

Motion lost.

Councillor Miller then moved her alternative motion, seconded by Councillor Forster, as follows:

It is resolved that Council:

(A) note:

- (i) the City of Sydney offers various opportunities for students and members of the community to gain practical experience and develop skills required to transition to work;
- (ii) in response to requests from university media communications departments, the City of Sydney has run a media internship program for Sydney New Year's Eve each year since 2007 through university departments (but now advertises more widely in response to student feedback);
- (iii) this is a structured internship that typically allocates credit points as a core requirement of a Media degree;
- (iv) the internship helps students establish professional networks and gain essential skills for working in the media;
- (v) the City of Sydney's 'Work Experience Procedure' is informed by the Fair Work Ombudsman's Guidelines on work experience and internships to ensure applicants are treated fairly and in accordance with the law; and
- (vi) the City of Sydney recognises the importance of providing a supportive and structured learning environment for people in vocational placements and work experience internships; and

(B) request the Chief Executive Officer to investigate the work of Interns Australia and the National Fair Internship Pledge and report back to Councillors via the CEO Update.

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

That the motion be amended by the addition in clause (B) of the words “and the Media Entertainment and Arts Alliance Guidelines on Media Internships”.

The amendment was lost on the following show of hands –

Ayes (2) Councillors Scott and Vithoukias

Noes (8) The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scully and Thalys.

Amendment lost.

The motion was carried unanimously.

At 10.25pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 21 November 2016 at which
meeting the signature herein was subscribed.