

# COUNCIL

Meeting No 4  
Monday 16 May 2016  
Notice No 4/1573  
Notice Date 12 May 2016

*minutes*

*city of villages*

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**PRESENT**

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

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

At the commencement of business at 5.07pm, those present were:-

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

Councillor Scott left the meeting Council at 8.25pm, prior to discussion on Part B of Item 8.8, and returned at 8.26pm following the conclusion of discussion and voting on that Part of Item 8.8. Councillor Scott was not present at, or in sight of, the meeting of Council during discussion or voting on Part B of Item 8.8.

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

Opening Prayer

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

**Apology**

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

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

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

Carried unanimously.

**ITEM 1 CONFIRMATION OF MINUTES**

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

That the minutes of the meeting of Council of Monday 11 April 2016, as circulated to Councillors, be confirmed.

Carried unanimously.

## **ITEM 2 DISCLOSURES OF INTEREST**

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

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 4.1 on the agenda, in that she was previously a member of the Board of Directors until the election was dissolved by the Federal Court, but she will again be a candidate.

Councillor Scott also disclosed a significant, non-pecuniary interest in Item 8.8 on the agenda in that she is employed by the University of Sydney, which is recommended as a recipient of two grants and not recommended as a recipient of one grant. Councillor Scott stated that she would not be present for discussion or voting on the grants relating to the University of Sydney in Item 8.8.

Councillor Scott also disclosed a less than significant, non-pecuniary interest in Item 12.10 on the agenda in that her husband is an employee of Transport for NSW, but not in any way related to the substance of the motion.

Councillor Christine Forster disclosed a less than significant, non-pecuniary interest in Item 4.1 on the agenda, in that she will be a candidate for the Board of Directors.

Councillor Angela Vithoukias disclosed a less than significant, non-pecuniary interest in Items 9.4 and 9.6 on the agenda in that she has a business on George Street in the City.

Councillor John Mant disclosed a less than significant, non-pecuniary interest in Item 12.3 on the agenda in that, as President of the Paddington Society, he was asked by some neighbours of the applicants in this case to provide assistance and advice on previous applications that had been made by these owners.

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

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

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

**ITEM 3.1 VALE JOHN KAYE MLC****FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

I note with regret the passing of Member of the NSW Legislative Council, Dr John Kaye, on 2 May 2016.

During John's 10 years in Parliament, he worked with communities across NSW for a more just and sustainable future. John's work had significant impact on public debate and political outcomes in a number of areas.

First and foremost, John was a passionate champion for our public education system. He was appalled by the inequity of resources between the public and private systems and campaigned to change the funding structure that supported this unfairness. Importantly, he opposed the sale of public education lands in urban areas and was outspoken about the need to make quality public education accessible for all, especially those of us threatened by the shortfall here in the inner city. John recognised TAFE as a critical institution to the success and wellbeing of our communities. He fought the erosion of TAFE and the privatisation of VET training which has been introduced by successive governments.

As a former UNSW lecturer in sustainable energy, John was an early advocate for a managed transition from fossil fuels to renewable energy. He campaigned against the expansion of coal fire power in NSW and led a strong public debate for the social, environmental and economic advantages of renewables.

His work against corruption and corporate donations has exposed undeclared financial arrangements between politicians and corporations.

As an animal rights advocate, John has exposed the false labelling of free range eggs. He has campaigned against changes to consumer regulation which would see chickens face increasingly cruel conditions and advocated for an end to the savagery of the greyhound racing industry.

**RECOMMENDATION**

It is resolved that:

- (A) Council observe one minute's silence to honour the life and work of Dr John Kaye MLC; and
- (B) the Lord Mayor write to John's partner Lynne expressing the City's condolences.

**COUNCILLOR CLOVER MOORE**  
Lord Mayor

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

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

Carried unanimously.

Note – Prior to discussion on this item, the Chair (the Lord Mayor) welcomed Ms Lynne Joslyn, the partner of Dr Kaye, to the meeting. The Lord Mayor also stated that she would be moving this motion on her own behalf, but also on behalf of Councillor Irene Doutney who was unable to be present tonight.

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

## **ITEM 3.2 WESTCONNEX**

**FILE NO: S051491**

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

#### To Council:

On 21 April 2016, the NSW Minister for Planning, Rob Stokes, approved the New M5 section of the WestConnex toll road project. The New M5 includes the massive St Peters spaghetti style interchange.

#### **IMPACTS ON THE CITY OF SYDNEY**

The New M5 and in particular the St Peters Interchange will have a significantly negative impact on residents and businesses located in the City of Sydney:

1. The new toll on the existing M5 and the increase in road capacity on Euston Road from four lanes to up to six lanes, and Campbell Road from two lanes to six lanes, will see tens of thousands of additional cars pouring into already congested areas such as Ashmore, Erskineville, Alexandria, Redfern, Green Square and the CBD of the global city.
2. Air quality, even at existing levels, is close to the allowable limits, and will only get worse with a major interchange, road upgrades and ventilation stacks at the St Peters Interchange and surrounds putting thousands of young children and the elderly at risk. If new air quality standards as proposed by the Council of Australian Governments (COAG) in 2012 are implemented, the New M5 will exceed allowable air pollution levels.
3. The proposed project will have unacceptable impacts on Sydney Park. As well as surrounding it on three sides with large, high-volume roads, and the removal of hundreds of trees, the Government will take land on the southern side of the park for a construction compound.
4. It will endanger one of the best and most successful main streets in the country - King Street in Newtown – and in the event that clearways were introduced would destroy it.

#### **FLAWED PROCESS**

The huge, multi-volume EIS for the New M5 St Peters Interchange was placed on public exhibition in late November 2015 with a deadline for submissions of 31 January 2016.

Over 12,000 people made submissions – with 99.91% critical of the project.



Less than two months later, the Government released its report in response raising doubts about whether all 12,000 submissions had been properly and adequately considered. It is increasingly clear that the public consultation process is a sham and the Government had its rubber stamp at the ready before any public feedback had come in.

As additional components of the project become public, the serious impact of the project on our city becomes clearer. Recently released plans include a massive Los Angeles-style interchange planned for Rozelle that would threaten the future of the Bays Precinct urban redevelopment.

### **AN APPALLING INVESTMENT FOR TAXPAYERS**

At \$16.8 billion, WestConnex is nearly triple the combined cost of recent motorways built in Sydney – the M4, M5, Harbour Tunnel, M2 and Eastern Distributor would cost \$6.1 billion in total in today's dollars. Additional stages of WestConnex under development could see the total cost reach more than \$30 billion.

This would make it the world's most expensive road project yet it is clear that the project will not deliver its stated objectives as presented by the NSW Government. In summary:

1. WestConnex won't increase Western Sydney residents' access to jobs and economic development. Only a small proportion of workers from western Sydney commute to inner Sydney and, of those, 89 per cent rely on public transport, not cars. Consistent with the NSW Government's Metropolitan Strategy, Western Sydney needs more jobs close to where people live, and better public transport within and to the key centres in that area. Public money spent on WestConnex would be better spent on public transport in Western Sydney.
2. WestConnex will not provide a connection to Sydney Airport and Port Botany. The New M5 would divert traffic north to the St Peters Interchange where it would have to make its way back to the airport and/or port on the existing road network. Given the existing M5 provides a more direct connection, it is unlikely that freight and commuters will choose the new route. The proposed Sydney Gateway connection will not be completed when the New M5 is completed, and might never be. Even then, the existing M5 will provide a much more direct link to the port and airport. WestConnex also does not take into account the second airport at Badgerys Creek, as the Federal Government's commitment to a second airport was made after WestConnex was announced. This on its own is sufficient to warrant a review of the merits of WestConnex.
3. WestConnex will not deliver urban renewal for Parramatta Road. The intention to deliver renewal and improved liveability along Parramatta Road seems to have been abandoned with the M4 East extension shifted to a more northerly configuration. New designs for a portal at Camperdown would see the sections of Parramatta Road and Broadway, east of Sydney University swamped by increased traffic.

The public rationale for the project is contained in the Updated Strategic Business Case, released last year. In February 2016, Council endorsed an SGS Economics and Planning analysis of the Strategic Business Case. SGS was damning about the Business Case and the project. SGS said the document did not meet the proper standards of a final Business Case and is "a confused document filled with contradictions."

Even using what SGS identified as flawed and optimistic assumptions, the Government's own figures estimate that most users will save less than five minutes and that the road network serving the toll road and some sections of tunnel will reach capacity as soon as 2031, only eight years after completion – it is an appalling investment for NSW taxpayers.

SGS reported that any benefit of WestConnex “is likely to be marginal at best and it is quite possible that the actual BCR (Benefit-Cost Ratio) for WestConnex is less than one”, that is, the benefits will not exceed the costs.

It also works against the Government's own Metropolitan Plan, which focuses on the need to provide public transport between the city and town centres in the west and south-west, and public transport between those centres. \$16.8 billion on more roads despite the fact that 89% of people travelling to the city from the west do so on overcrowded public transport.

### **INDEPENDENT ASSESSMENT URGENTLY NEEDED**

Given that WestConnex is receiving \$1.5 billion in funding and a \$2 billion concessional loan from the Federal Government, it is critical that the Federal Government can point to a rigorous assessment and a high level of quality assurance for the project. The opposite seems to be the case.

The NSW Auditor-General and Infrastructure Australia have criticised the governance, quality assurance and business case of this project, along with many other commentators, members of the public and councils. Key criticisms of Infrastructure Australia, such as the lack of a P90 cost estimate, have still not been addressed.

Last month, I wrote to Prime Minister, Malcolm Turnbull, and urged him to conduct an independent assessment of WestConnex in keeping with his commitment when he became Prime Minister that transport infrastructure funding would be non-ideological.

The letter also went to the Leader of the Opposition and a copy was sent to Commissioners of the Greater Sydney Commission, and the Commissioner for the Central District, in which the City is located.

An independent assessment would reveal what we all know to be true - that WestConnex simply does not make sense and is the result of Tony Abbott's pro-road ideology. This is most clearly demonstrated by the fact that WestConnex has never been adequately assessed against public transport and demand management alternatives to meeting Sydney's future growth and transport needs.

As it became clear that the State Government was determined to push ahead with this project despite the consequences, we received requests from other councils and community groups for assistance in challenging the legality of the project. I asked the CEO to get preliminary legal opinion on what options were available and now that the New M5 has been approved, I am asking the CEO to obtain formal legal advice.

In the meantime, the City will continue to oppose the WestConnex project by not granting Sydney Motorway Corporation and other agencies access to City land for geotechnical and other associated work. We will also continue to oppose any encroachment on City parks and open spaces and assist the many people in the community working hard to stop this project.

Council, there is a Federal election set for 2 July 2016 and polling indicates that it will be close. This project is a critical issue for inner city communities in Sydney and I believe we should also be calling on Federal Opposition Leader, Bill Shorten MP, to formally commit to an urgent, independent assessment of WestConnex and to withdraw all Federal funding for this project if they win Government.

WestConnex is the very opposite of what Governments should be doing in the 21<sup>st</sup> Century. The infrastructure projects approved now will seriously affect how we will be able to address dangerous climate change and meet our future transport needs. Coming generations will ask: "How did they let this happen?"

I can assure the City community that the City Government I lead will do everything we can to expose and stop this destructive project.

#### RECOMMENDATION

It is resolved that Council:

- (A) note and condemn the approval of the New M5 section of WestConnex;
- (B) call on the Prime Minister to order an urgent, independent assessment of WestConnex and to withdraw all Federal funding for this project;
- (C) call on the Leader of the Federal Opposition, Bill Shorten MP, to commit to an urgent, independent assessment of WestConnex and to withdraw all financial support for WestConnex if he wins Government;
- (D) approve the preparation of updated information for the community on the progress of the WestConnex project and its impacts on the City of Sydney; and
- (E) ask the Chief Executive Officer to formalise partnerships and seek proper legal advice on prospects for challenging the approvals of Stage 1 and 2 of WestConnex and report back to Council.

COUNCILLOR CLOVER MOORE  
Lord Mayor

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

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

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

That the motion be amended in Clause (D) by the insertion of the words "excluding any references to, photographs or branding of, the Lord Mayor or any City of Sydney Councillors" between the words "for the community and "on the progress".

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

Ayes (4) Councillors Forster, Mandla, Scott and Vithoukias.

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

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

The amendment was declared lost.

The motion was carried on the following show of hands –

Ayes (6) The Lord Mayor, Councillors Green, Kok, Mant, Scott and Vithoukas.

Noes (2) Councillors Forster and Mandla.

Motion carried.

**ITEM 4.1 LOCAL GOVERNMENT NEW SOUTH WALES – POSTAL BALLOT FOR ELECTION OF MEMBERS OF THE BOARD OF DIRECTORS****FILE NO: S124865 & S124770****MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER**To Council:

The City of Sydney is an Ordinary Member of Local Government New South Wales (LGNSW). Therefore, the City of Sydney is entitled to participate in the election of members of the Board of LGNSW, through the nomination of voting delegates (Councillors).

An election for members of the Board of LGNSW for a new two year term commencing from 2015, took place at the LGNSW Annual Conference held on 11-13 October, 2015. On 29 March 2016, due to a procedural irregularity in the conduct of the election, the Federal Court of Australia (Federal Court) ordered that a new ballot be conducted for the following 13 of 16 positions on the Board of LGNSW:

- Vice President from a Metropolitan/Urban council;
- Vice President from a Regional/Rural council;
- Directors from a Metropolitan/Urban council) (5); and
- Directors from a Regional/Rural council (6).

In accordance with the terms of the Federal Court order, the new ballot will be undertaken by the Australian Electoral Commission and conducted by postal ballot. The only candidate names eligible for inclusion in the postal ballot are those who stood for election to the Board of LGNSW in 2015. An Election Notice, was distributed to Ordinary Members on 15 April 2016 (refer Attachment A).

Each Ordinary Member must nominate its voting delegates by 12.00 noon, 2 June 2016. This memorandum seeks Council's consideration of the nomination of all Councillors as voting delegates for the conduct of the postal ballot.

**Nomination of Voting Delegates**

LGNSW has advised that the City of Sydney is entitled to nominate up to 10 Councillors as voting delegates. The formula for calculating the number of voting delegates is provided for in Part 23 of the LGNSW Rules. For Board elections, each nominated voting delegate is normally entitled to cast one vote only.

It is therefore proposed that Council nominate the Lord Mayor and all Councillors as its voting delegates for the conduct of the postal ballot.

However, as the City of Sydney is entitled to nominate one more voting delegate (10) than the number of Councillors currently holding office (9), Council may choose to nominate a Councillor to exercise this additional vote (that is, a total of two votes to be exercised during the conduct of the postal ballot, concurrently by the Councillor nominated).

Once voting delegate nominations are agreed, required details (name and City of Sydney postal address) will be provided to LGNSW.

### **Key Dates**

Monday, 16 May - Nomination of Voting Delegates by Council

Friday, 27 May - Submission of online nomination form

Thursday, 2 June - Final date for submission of nomination form

Thursday, 9 June - Ballot material posted to voting delegates

Thursday, 30 June - Close of ballot

### **RECOMMENDATION**

It is resolved that:

- (A) Council appoint the Lord Mayor and all Councillors as its voting delegates for the postal ballot to be conducted for the election of certain members of the Board of Local Government New South Wales; and
- (B) Councillor ..... be appointed as Council's voting delegate with the right to exercise the additional vote allocated to the City of Sydney.

MONICA BARONE  
Chief Executive Officer

### **Procedural Motion**

At the request of Councillor Forster, Council agreed that the motion be split and dealt with as two separate motions, as follows:

Part 1 - clause (A); and

Part 2 - clause (B).

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

That Part 1 of the motion be adopted.

Carried unanimously.

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

That Part 2 of the motion, as follows, be adopted.

- (B) Councillor Mant be appointed as Council's voting delegate with the right to exercise the additional vote allocated to the City of Sydney.

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

That Part 2 of the motion be amended by substituting "Councillor Scott" for "Councillor Mant".

A show of hands on the amendment moved by Councillor Forster resulted in an equality of voting as follows –

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

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

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

The amendment was declared lost.

Part 2 of the motion was carried on the following show of hands –

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

Noes (1) Councillor Forster.

Motion carried.

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

It is resolved that:

- (A) Council appoint the Lord Mayor and all Councillors as its voting delegates for the postal ballot to be conducted for the election of certain members of the Board of Local Government New South Wales; and
- (B) Councillor Mant be appointed as Council's voting delegate with the right to exercise the additional vote allocated to the City of Sydney.

#### **ITEM 4.2 STREAMING OF COUNCIL AND COMMITTEE MEETINGS**

**FILE NO: S050647**

#### **MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER**

To Council:

On 21 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.

This Memorandum outlines an indicative implementation plan, as well as issues which will need to be resolved prior to the commencement of live streaming of Council and Committee meetings.

### **Code of Meeting Practice**

The Code of Meeting Practice does not currently allow the video recording and broadcasting of Council and Committee meetings. The Code will therefore need to be amended to enable this, while maintaining the existing prohibition on other recordings of meetings without the permission of the Council.

Proposed amendments to the Code of Meeting Practice are required to be endorsed by Council for public exhibition and then exhibited for 42 days, following which the Code is adopted by the Council.

### **Copyright and Maintenance of the Webcasts**

The City will need to clearly establish copyright ownership over the live streaming, including information on the website about how the material may be used.

As the recordings would be considered a record under the State Records Act, they will need to be retained. City staff will develop a procedure in relation to the length of time live streams are available on the website, and long term maintenance of the live streams, including accessibility by members of the public once they are no longer available on the City's website.

### **Members of the Public**

Members of the public attending Committee and Council meetings will need to be made aware that meetings are being recorded and streamed live. City staff will revise the Guidelines for Speakers, develop an appropriate notice for display as people enter the Chamber and consider the development of introductory words to be used by the Chair of each meeting to ensure all members of the public are aware of the recording and live streaming.

Speakers at Committee meetings will need to consent to having their voice, and image depending on the placement of the cameras, recorded and broadcast. City staff will develop a waiver for signature by Speakers at Committee meeting which also releases the City from any liability arising from the recording of speakers.

City staff will develop a procedure to manage instances where members of the public ask not to be broadcast.

### **Councillors**

Councillors do not have the benefit of parliamentary privilege. Information will be provided to Councillors in relation to the conduct required in accordance with the Code of Conduct and the Local Government Act, and the potential for them to be personally liable for their actions and statements.

### **Implementation Options/Costs/Timing**

Indicative costs have been developed for the implementation of live streaming for Council meetings only, and for Council and Committee meetings, by both third party providers (Option 1) or installation and management internally (Option 2). Confidential Attachment A details the relevant cost range.

Under Option 1, third party providers would supply the equipment and host the broadcast with a link available on the City's website.



Under Option 2, a permanent integrated system could be installed and managed internally. The system could then be used for other meetings, if desired, at minimal additional cost.

Viewer analytics will be available whether hosted externally or internally and will enable the Chief Executive Officer to report back on access by members of the public at the end of the 12 month trial.

Each of the proposed implementation options include cost allocations for cabling works which will provide the additional power required and enable cameras and cables to be positioned in a way that is both safe and sympathetic to the heritage nature of the Council Chamber.

Two cameras are proposed for Council meetings, showing both sides of the table and the Chair. Three cameras could be utilised for Committee meetings, to show the end of the table at which speakers sit, but is not recommended, as use of a two camera only setup reduces the likelihood of members of the public objecting to being recorded.

If Council endorses streaming of both Council and Committee meetings, then a tender process would be undertaken.

If Council endorses streaming of Council meetings only, then quotation processes would be undertaken.

To ensure implementation flexibility, it is recommended that any agreed trial be undertaken using a third party provider. At the end of the trial period, Council could then decide to proceed with the installation of a permanent integrated system; continue with the use of a third party provider or decide not to continue with streaming.

Given streaming is proposed to be trialled, it is not recommended to proceed with transcription of the webcasts at this stage. This could be revisited during the trial, or at the end of the trial, if needed.

Due to the required changes to the Code of Meeting Practice, other administrative processes and base installation works required in the Chamber to enable webcasting to proceed, the projected "go live" date for all options would be 10+ weeks from date of approval to proceed.

### **Financial Implications**

Attachment A contains confidential commercial information which, if disclosed, would:

- (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
- (b) prejudice the commercial position of the person who supplied it.

Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

A provision has not been made in the draft 2016/2017 budget. If Council endorses proceeding with streaming, the draft budget will be reviewed to include a provision for streaming.

## RECOMMENDATION

It is resolved that:

(A) Council note:

- (i) the indicative implementation plan for a 12 month trial of streaming of Council and Committee meetings, including cost range, shown at confidential Attachment A to the subject Memorandum; and
- (ii) advice regarding amendments to the Code of Meeting Practice (including associated public exhibition and consultation processes) and required development of other related administrative practices and procedures to facilitate streaming of Council and Committee meetings; and

(B) given the primacy of Council and Committee meeting arrangements in the City's governance structure, further consideration of this matter be deferred 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).

MONICA BARONE  
Chief Executive Officer

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

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

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

That the motion be amended by the deletion of clause (B).

The amendment was lost on the following show of hands –

Ayes (3) Councillors Forster, Mandla and Scott.

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

Amendment lost.

Variation. At the request of Councillor Vithoukias, and by consent, the motion was varied by the addition of clause (A)(iii) as follows –

- (iii) further work will be done on the Code of Meeting Practice changes required for the streaming of Council and Committee meetings in order to assist a future Council;

### **Procedural Motion**

At the request of Councillor Mandla, Council agreed that the motion be split and dealt with as two separate motions, as follows:

Part 1 - clause (A); and

Part 2 - clause (B).

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

That Part 1 of the motion, as varied by consent, be adopted.

Carried unanimously.

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

That Part B of the motion be adopted.

Part B was carried on the following show of hands –

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

Noes (3) Councillors Forster, Mandla and Scott.

Carried.

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

It is resolved that:

(A) Council note:

- (i) the indicative implementation plan for a 12 month trial of streaming of Council and Committee meetings, including cost range, shown at confidential Attachment A to the subject Memorandum;
- (ii) advice regarding amendments to the Code of Meeting Practice (including associated public exhibition and consultation processes) and required development of other related administrative practices and procedures to facilitate streaming of Council and Committee meetings; and
- (iii) further work will be done on the Code of Meeting Practice changes required for the streaming of Council and Committee meetings in order to assist a future Council; and

(B) given the primacy of Council and Committee meeting arrangements in the City's governance structure, further consideration of this matter be deferred 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).

#### **ITEM 4.3 CENTRAL TO EVELEIGH UPDATE - URBANGROWTH NSW**

**FILE NO: S124424**

#### **MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER**

To Council:

The City has spent the last 10 years developing and implementing Sustainable Sydney 2030 based on significant community and industry stakeholder engagement. It was a key step in the statutory planning process that resulted in Sydney LEP 2012 and DCP 2012 and the continuing private sector investment that places the City at the forefront of quality housing supply and delivering new jobs in NSW.

Our planning framework has a clearly articulated community agreed rationale best demonstrated through urban renewal projects at the Ashmore Estate, Harold Park, Green Square Town Centre and the ongoing renewal in the CBD.

UrbanGrowth NSW is charged by the NSW Government to be a facilitator of key development projects across the state and Sydney Metropolitan area where there are significant market barriers.

UrbanGrowth's primary objective is to enable the private sector to deliver homes, workplaces, facilities and community places needed for NSW citizens to enjoy a high quality of life and to concentrate on areas where market and/or regulatory barriers are preventing otherwise desirable private sector investment. They are not a statutory planning authority, a role which currently lies with local councils and the NSW Department of Planning and Environment.

This report summarises the City's significant concern about the preparation of the planning and urban design outcomes of UrbanGrowth's Central to Eveleigh Transformation Strategy. We have used publicly available information to set out the planning and development implications of the NSW Government's plan to renew Waterloo in association with a new Metro station.

Of note is the proposed density for the redeveloped social housing estate at Waterloo that the NSW Government has said will become a mixed development of private, affordable and social housing.

Using information that UrbanGrowth has publicly released it seems that the proposed average residential density for the site is over 700 people per hectare (70,000 people per square kilometre).

Pymont, which is currently the densest area in Australia, has, on average, 14,000 people per square kilometre. When it is complete, the larger Green Square area, at 22,000 people per square kilometre, will become the densest area in Australia. There are smaller pockets such as the ACI site at 36,000 people per square kilometre. UrbanGrowth are proposing over 70,000 people per square kilometre for Waterloo.

Development at this density over this 19 hectare area is unprecedented in Australia and rare internationally. The existing public domain, including parks and streets, will be intensely impacted and the new development will require significant investment to support amenity and recreation including the provision of large new, areas of open space and high quality community infrastructure.

We are concerned that development at this intensity will mean that developers won't be able to meet current standards in the NSW Government's own Apartment Design Guide, which includes important amenity provisions for sunlight and natural cross-ventilation.

The City also understands that UrbanGrowth is planning to rezone a large part of the surrounding area – beyond the scope of the proposed Central to Eveleigh redevelopment and beyond the scope of their authority.

A map published by UrbanGrowth shows a study area boundary that includes a number of conservation areas including parts of Redfern, Surry Hills, Chippendale and Alexandria. Currently, the strategic planning authority for the majority of this land is the City of Sydney Council excluding any State Significant Development sites already in place.

Intensifying residential development across this area could risk the market growth of high value businesses and sectors important to the future of Sydney's economy.

Despite the fact that these significant changes have not been put to the public, detailed planning and design continues to forge ahead. We are concerned that basic principles will be agreed by the NSW Cabinet before the City or the community has had a chance to fully understand their impacts.

It is important to emphasise that despite the Memorandum of Understanding between the City and UrbanGrowth there have been significant issues around how much information UrbanGrowth has shared with the City in the following three key areas:

1. the scope and purpose of the Central to Eveleigh Urban Transformation Strategy, referred to as the Central to Eveleigh Strategy;
2. the reference design of the renewal of the government-owned Waterloo Estate and the adjacent recently acquired Waterloo Metro station site; and
3. the degree to which the future Waterloo Metro Station should be funded by the rezoning and the potential increased development that may result in a catchment area yet to be disclosed around the Waterloo station catchment.

The potential scope and scale of the Central to Eveleigh precinct redevelopment poses significant concern for the City of Sydney in terms of the level of physical and social infrastructure and services that will be required to support such a concentrated increase of the resident and worker population.

### **1. Scope and Purpose of Central to Eveleigh Urban Transformation Strategy.**

The map in Figure 1 produced and published by UrbanGrowth defines a Study Area covering 560 hectares within the Sydney LGA. It clearly identifies the precincts of government-owned land which will be the focus of the forthcoming Urban Transformation Strategy.

What is not clear is how many, if any, other yet to be identified government-owned sites within the study area are being considered for renewal and how much privately-owned land currently within the Sydney Local Environmental Plan 2012 may be identified for rezoning to increase the scale and density of development.

(Note. The map in Figure 1 can be found in the Business Paper for the meeting of Council on 16 May 2016 – Item 4.3.)

The study area boundary (shown above) is Crown Street, Surry Hills to Goulburn Street, along Goulburn Street through the southern part of the CBD to Harris Street and Wentworth Park, and takes in all of Ultimo, Chippendale, Darlington to Newtown and then to Ashmore street in Erskineville, through to McEvoy Street and along Phillip Street and back to Crown Street. It includes a number of conservation areas including but not limited to parts of Redfern, Surry Hills, Chippendale and Alexandria.

One of the issues arising, is the message this boundary signals to developers and land owners, let alone the residents and broader community that live and work within the boundary.

Figure 2 (below and enlarged for clarity on the following page) suggests the strategic planning outcome UrbanGrowth are seeking even though they are not a strategic planning authority. Currently, the strategic planning authority for the majority of this land is the City of Sydney Council excluding the State Significant Development sites already in place.

This image has been shown in UrbanGrowth public presentations and on their website to notionally indicate the extent of density and potential height and scale of future development that could be expected in the study area on both public and private land outside of the key government-owned precincts identified in Figure 1. The illustration usefully indicates UrbanGrowth's thinking, showing new development of up to 8 storeys in the blue coloured blocks, 9-17 storeys in the yellow coloured blocks and 18-32 storeys in the orange coloured blocks.

UrbanGrowth are proposing to progress to the urban transformation strategy delivery framework stage (previously known as a master plan) in 2016. Within the study area along an increase in residents from 52,000 (existing) to a range from 81,000 to 108,000, and an increase in workers from 78,000 (existing) to range from 92,000 to 103,000 with seven new neighbourhoods is anticipated.

(Note. The map in Figure 2 can be found in the Business Paper for the meeting of Council on 16 May 2016 – Item 4.3.)

(Note. The map in Figure 2 enlarged can be found in the Business Paper for the meeting of Council on 16 May 2016 – Item 4.3.)

There appears to include possible significant redevelopment along the Botany Road corridor, along Redfern Street towards Redfern Park, Regent Street, through Chippendale, over the railway tracks between Redfern and Central stations, and up towards the CBD including the Goulburn Street Parking Station and the Centennial Plaza site. Of course, there may be additional development considered beyond the coloured areas shown.

The public release of these illustrations has resulted in the City being approached by a landowner seeking rezoning to double their height and floor space purely on the basis of their land relationship to the investigation area boundary. This is prior to formal investigative work being done to determine to what extent rezoning could or should occur within the area and before any contributions framework is in place – an essential driver for the study.

Advised by City staff of this, UrbanGrowth added a notice on their website noting that illustrations “do not constitute current or future rezoning proposals and should not be interpreted as such unless specifically noted”. However, this is unlikely to tame speculative rezoning requests coming in as experienced in other areas.

Our recent Economic, Cultural and Start Up strategies and action plans highlight the City's understanding of the importance of emerging industry clusters in the Central to Eveleigh Precinct. There must be integrated strategic objectives underpinning the identification of any sites that may seem capable of increased residential development or other uses. The area in question has experienced significant metropolitan scale jobs growth in high value industries in a low development scenario which could be displaced in a high residential yield scenario, with the risk of weakening productive output that the market is driving and is important for Sydney's future.

## **2. Waterloo Estate**

UrbanGrowth is the developer of the Waterloo Estate. It would appear that the NSW government-owned estate is priority development influenced by the new Metro railway station. UrbanGrowth suggest they will provide 7,000 new dwellings, including replacing the 2,000 social housing dwellings, with community facilities and some retail and work space on the 19 ha estate. Based on these simple numbers, the proposed average residential density is over 700 people per hectare (70,000 people per square kilometre).

It is worth comparing that to Pyrmont, which is currently the densest area in Australia with 14,000 people per square kilometre. When it is complete Green Square, at 22,000 people per square kilometre will become the densest area in Australia. What UrbanGrowth are proposing is 70,000 people per square kilometre.

In the international context, this density over a similar sized area is rare. London has no areas of the size of Waterloo at this density. New York and Paris have only a few. Neighbourhoods of this density are found in parts of Hong Kong, but not in Singapore.

Given available public information we expect to see as many as ten or more buildings over 30 stories on the Waterloo Estate with others up to 20 storeys. Development at this intensity (more than 5 times the average density of Pyrmont Ultimo) on the Waterloo Estate could set expectations beyond 'density done well' and beyond the capacity of future developers to meet the objectives of the NSW Government's own Apartment Design Guide.

The underlying approach is a housing mix of 70:30 meaning 70% private housing and affordable housing and 30% social housing, as outlined in the NSW Government's Community Plus program. This supportable approach however, does not have to be contained within the confined area of the existing estate in order to improve urban amenity.

The City is primarily concerned of possible outcomes such as:

- (a) insufficient open space and streets suitable for a very high intensity of use;
- (b) apartments unable to meet the amenity standards, including sunlight and natural cross-ventilation as outlined in the Apartment Design Guide and which other developers must abide by;
- (c) likely winter overshadowing to existing residents and open spaces in surrounding neighbourhoods; and
- (d) extensive removal of existing mature tree canopy throughout the Waterloo Estate due to excessive building footprints.

## **3. Waterloo Metro Rail Station**

Catchment land which benefits from the new Waterloo Station is proposed to be investigated for increased development to make a financial contribution to partly fund the rail station (in addition to local contributions). We understand that the boundary for a more discrete area around the future Waterloo station is currently under investigation as a State Infrastructure Contribution (SIC) area.

Any investigation area should exclude heritage items and conservation areas. In addition any development around heritage items and conservation areas should provide an appropriate transition similar to the City's approach in the Ashmore and Rosebery precincts.

### Traffic and congestion

The area experiences considerable traffic congestion and to date the City has not been given access to any of Transport for NSW's traffic modelling. It is also clear that key intersections and transport interchange are performing poorly and that before any additional urban renewal areas are added to those already identified and underway, traffic modelling is made public and funded solutions are identified and provided for.

Other key infrastructure provisions should also include:

- the upgrade of Redfern Railway station to meet accessibility standards, provide a new pedestrian crossing of the rail corridor and address pedestrian and cycling access and end of trip facilities;
- open space, in particular land area large enough to support active open space;
- streets, plazas, and other public areas;
- supporting community facilities and social infrastructure; and
- sustainability initiatives, such as improved energy and water efficiency and urban ecology.

The City has produced extensive infrastructure plans to support the delivery of high density urban renewal in the Ashmore and Green Square areas in consultation with community and industry stakeholders. Through these processes the City has developed a thorough understanding of planning, funding and supporting delivery of state and local infrastructure that is key to successful and liveable urban renewal precincts. We recommend the City leads the appropriate studies and provision of infrastructure in consultation with other agencies and the Department.

#### **4. Waterloo Station Precinct Investigation**

In relation to points 2 and 3, the Department of Planning and Environment have proposed that the City work with NSW Government agencies on a 'Waterloo Station Precinct Investigation' process, and have suggested that Terms of Reference be discussed in the near future to cover the Waterloo Estate, Redfern Estate and Botany Road block; and private landholdings leading to a rezoning process by the Department as a State Significant Precinct. The Guidelines for this new kind of State Significant development category were recently released by the Department.

The draft proposal is for the government-owned lands including the Waterloo and Redfern public housing estates and the Waterloo Station block on Botany Road be identified as State Significant Precincts with planning led by UrbanGrowth, supported by the City and assessed by the Department of Planning. The privately-owned lands would be investigated as a Priority Precinct led by the Department of Planning, supported by the City and by UrbanGrowth, with final determination on rezoning proposals made by the Minister. Typically, State Significant Development switches off the City's planning controls and heritage referrals.



## **North and South Eveleigh**

In November 2015, UrbanGrowth put forward a revised proposal for the North Eveleigh site that increased the Gross Floor Area (GFA) from 51,000sqm to 62,568 to allow for more apartments (from between 700-750 to approximately 800 units), increasing the building heights from 8 to 12-storeys to 16-20 storeys; to maintaining the heritage listed Clothing Store for retail and community uses and allowing a maximum of 531 parking spaces.

The City's submission to the North Eveleigh preliminary consultation recommended that development comply with the NSW Government's Apartment Design Guide (ADG) and the City of Sydney DCP2012; that the City should be the consent authority for future development; that 12% of all dwellings at North Eveleigh are affordable housing consistent with the 2008 Concept Plan approval; that parking rates be reviewed to deliver the sustainability outcomes identified in UrbanGrowth's own strategy report; and UrbanGrowth should work closely with the City to deliver parks, streets and community spaces that can be maintained within the City's existing networks

There has been limited information regarding the South Eveleigh area, however we understand that the scale of development will likely be up to 18-20 storeys, providing "a diverse range of apartment buildings is possible with taller residential buildings adjacent to the rail corridor and lower buildings on the precinct edges to provide a transition to the existing neighbourhood".

## **Conclusion**

The current role of UrbanGrowth seems to be both the Government's strategic planners, input (and sharing with the Department of Planning in part) setting the renewal principles and development standards as well as the Government's developer, needing to maximise the development and financial opportunities.

This dual role presents serious concerns as to the accountable and transparency as well as who is protecting the public interest. City of Sydney has remained steadfast in applying high standards to the redevelopment of all our urban renewal areas and that adequate social and physical infrastructure is in place to support our new communities.

Despite being assured of a new way of planning and delivering urban renewal by UrbanGrowth NSW, what is apparent is that the typical 'growth centre' approach is also being applied to renewal of the inner city sites. The problem is that the Central to Eveleigh Precinct, Bays Precinct and New Parramatta Road areas are not blank canvases, like the paddocks on the fringes. They contain existing communities, with existing infrastructure and existing demand on services and the future consequences of this current governance and planning approaches are of significant concern not only for the City of Sydney, but also for our existing and future residents, workers and visitors.

The City is at the forefront of driving housing and jobs growth in NSW (we have the largest housing growth and jobs growth output in NSW), and we have a strong record for transparent and rigorous planning and design, delivering density done well on several key urban renewal precincts.

The City undertakes strategic planning under the guidance of the Central Sydney Planning Committee, which has both Council and NSW Government representation. Together, the City and the Central Sydney Planning Committee are best placed to lead and oversee the strategic planning and plan-making process for private land.

## RECOMMENDATION

It is resolved that Council:

- (A) note that the Central Sydney Planning Committee and the City are the current planning authority for much of the investigation land and are best placed to lead strategic planning for urban renewal on non-government land in the study area for the Central to Eveleigh Urban Transformation Strategy;
- (B) continue its strategic planning role in the Central to Eveleigh study area, with guidance by the Central Sydney Planning Committee; and
- (C) request that the Chief Executive Officer write to the Secretary of the Department of Planning and Environment:
  - (a) advising that the City will commence planning studies, consultation and financial analysis to understand the capacity for urban renewal on the non-government land in the Central to Eveleigh study area, informed by the following considerations;
    - (i) the area of land that will benefit from the new station;
    - (ii) maintaining heritage conservation areas and heritage items;
    - (iii) supporting employment growth in emerging industry clusters;
    - (iv) improvements to walking and cycling infrastructure;
    - (v) apartment design that meets the amenity standards of the Apartment Design Guide and protects residents from the noise and pollution of busy roads; and
    - (vi) a scale of development and mix of uses that supports a liveable and walkable neighbourhood; and
  - (b) noting that the draft Central to Eveleigh Urban Transformation Strategy or study area definition should avoid developer speculation and should not contain recommendations for urban renewal which pre-empt the findings of the City's strategic planning work in the study area.

MONICA BARONE  
Chief Executive Officer

Note – prior to discussion on this item, a presentation was given by the Director City Planning, Development and Transport on Urbangrowth's Central to Eveleigh Transformation Strategy.

### **Adjournment**

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

That the meeting be adjourned for approximately 10 minutes.

Carried.

At the resumption of the meeting of Council, at 6.56pm, those present were –

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

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

It is resolved that Council:

- (A) note that the Central Sydney Planning Committee and the City are the current planning authority for much of the investigation land and are best placed to lead strategic planning for urban renewal on non-government land in the study area for the Central to Eveleigh Urban Transformation Strategy;
- (B) continue its strategic planning role in the Central to Eveleigh study area, with guidance by the Central Sydney Planning Committee;
- (C) request that the Chief Executive Officer write to the Secretary of the Department of Planning and Environment to express serious concern that:
  - (i) no area of the city could sustain a density of 70,000 people per square kilometre, especially Waterloo with its large social housing community;
  - (ii) it would seem these proposals are being driven by NSW Treasury and the Finance Ministry to maximise the return to the NSW Government and not by proper planning processes or concern about the future wellbeing of the community;
  - (iii) if these proposals were to go ahead, the NSW Government and UrbanGrowth will destroy the inner city and condemn people living in the area to substandard living conditions not seen in most developed cities. There would be more than 50% of winter overshadowing in parks and surrounding residential areas and development would not meet the Government's own guidelines for apartment design, including standards for solar access and cross ventilation;
  - (iv) intensifying residential development to this extent risks displacing the fine-grain, high quality businesses driving the new economy so important to the State and national economies; and
  - (v) the proposed massively increased density will result in the loss of all or most existing trees in the area;
- (D) strongly reject these proposals and call on the NSW Planning Minister and UrbanGrowth to:
  - (i) go back to the drawing board;
  - (ii) reduce the extent and stated purpose of the Investigation Area;
  - (iii) remove Conservation Areas and heritage listed sites from any proposed Investigation Area;
  - (iv) outline how they will protect the growth of high value businesses and sectors in the Investigation Area;
  - (v) ensure all Conservation Areas have formal transitions in scale immediately outside the boundary of the Conservation Areas – not within them;

- (vi) ensure any rezoning is led by the City of Sydney and driven by “density done well” principles, the NSW Apartment Design Guide and not by a pre-determined contribution; and
  - (vii) provide affordable housing, high quality community infrastructure and adequate open space as required by the NSW Government’s own guidelines, in the early stages of any new development; and
- (E) ask the Chief Executive Officer to prepare and deliver an urgent and effective communications program to inform people about what is proposed for the Central to Eveleigh precinct, including the preparation of visuals and videos, flyers, advertising and public meetings.

Carried unanimously.

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

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

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

Carried.

**5.2 Petitions**

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

“Rejection of Stage 1 Development Application (D/2015/1398) for the Bidura Site, 357 Glebe Point Road, Glebe 2037 NSW

We, the undersigned, call on the City of Sydney to reject the current Development Application before Council (D/2015/1398) to redevelop the Bidura site as it contravenes many of the controls listed in both the Sydney LEP & the Sydney DCP 2012 in terms of height, scale, massing, traffic, environmental impacts, heritage and streetscape.

The development will have a detrimental effect on the 1860s Edmund Blacket house ‘Bidura’ at the front of the site, and the surrounding Heritage Conservation Areas (Glebe Point Rd Conservation Area and Glebe Point Conservation Area). The 1983 Bidura Children’s Court building should be adapted and reused, not demolished. The pocket park on Avon St should be retained and enhanced as a memorial to the victims and survivors of institutional abuse.”

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

It is resolved that the Petition be received and noted.

Carried unanimously.

**Order of Business**

At this stage of the meeting, in accordance with Clause 239(2) of the Local Government (General) Regulation 2005, at the request of Councillor Mandla, Council resolved that the Order of Business be altered such that Item 12.3 be brought forward and dealt with before Item 6.

**ITEM 12 NOTICES OF MOTION****DECLARATION OF RESIDENTS BACKYARD AS PUBLIC ROAD (S103132)**

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

It is resolved that:

## (A) Council note:

- (i) Mr and Mrs Reginald and Jillian Powell live in a Strata Apartment block. They and their predecessors have continuously occupied a parcel of land at the rear of their unit block for over 60 years;
- (ii) the area is small in size (about 7 metres by 3 metres) and is at the rear of their apartment. They treat it as if it is their own and it is essential to their quiet enjoyment of the property. There is no possible way it could be used as a public road;
- (iii) it is understood that the land currently sits in the deceased estate of James Onslow and has done for many years now;
- (iv) Mr and Mrs Powell have made an application for adverse possession of the land based on their and their predecessors longstanding use and occupation of the land. They believe their claim is entirely legitimate;
- (v) there is no competing public interest claim on this land and it cannot be reasonably used for any other public purpose; and
- (vi) on 18 March, 2016, the City of Sydney gazetted this area as public road under the Roads Act; and

## (B) the Chief Executive Officer be requested to:

- (i) put any plans of turning this into a public road on hold/reverse the process already undertaken; and
- (ii) consult Council lawyers and seek further advice on the matter.

Foreshadowed Motion. Councillor Mant foreshadowed that, should Councillor Mandla's motion be lost, he would move the following alternative motion.

It is resolved that Council note:

- (A) the owners of unit 1, 10 Evans Road occupy a 30sqm parcel of public land adjacent to Holdsworth steps associated with Holdsworth Avenue at the rear of their unit;
- (B) the owners have developed this parcel of public land as part of their paved private open space;
- (C) the City has written to the owners since 2009 informing them of the Council's intention to undertake work on the public land;
- (D) the City proposes to landscape the parcel of public land to increase the safety of Holdsworth steps and access to Rushcutters Bay Park;
- (E) on 18 March 2016, the City of Sydney gazetted Holdsworth Avenue and this parcel of land as public road under the Roads Act; and
- (F) the City will give notice to the owners when Holdsworth Avenue and this parcel of land are formally dedicated. The City will fund the reinstatement of the owners' site boundary, including construction of a new fence and site works that address the owners' concerns about safety.

The motion moved by Councillor Mandla was lost on the following show of hands –

Ayes (1) Councillor Mandla

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

Motion lost.

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

The motion was carried unanimously.

**ITEM 6 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 9 MAY 2016**

PRESENT

Councillor Clover Moore  
(Chair)

Councillor Robert Kok  
(Deputy Chair)

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

At the commencement of business at 1.05pm those present were -

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

**Sub-Committee**

The meeting of the Economic Development and Business Sub-Committee, with Councillor Vithoukaskas as Deputy Chair, commenced at 3.11pm.

**Apologies**

Councillor Irene Doutney conveyed her apologies for her inability to attend the meeting of the Corporate, Finance, Properties and Tenders Committee.

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

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

Carried unanimously.

**Adjournment**

At 2.30pm, during discussion on Item 6.3, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

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

Carried.

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

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

Councillor Forster returned to the meeting of the Corporate, Finance, Properties and Tenders Committee at 2.50pm during discussion on Item 6.3.



**Closed Meeting**

At 3.03pm, the Corporate, Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss confidential Attachments A and B to Item 6.12 on the agenda.

**Open Meeting**

At 3.10pm, the meeting of the Corporate, Finance, Properties and Tenders Committee was reopened to the public.

**Order of Business**

The Corporate, Finance, Properties and Tenders Committee agreed, for the convenience of the public present, that the Order of Business be altered such that the Items 6.20 and 6.21 be brought forward and dealt with before Item 6.19.

The meeting of the Corporate, Finance, Properties and Tenders Committee and its Sub-Committee concluded at 3.55pm.

Report of the Corporate, Finance, Properties and Tenders Committee (including the Economic Development and Business Sub-Committee)

Moved by Councillor Kok, seconded by Councillor Vithoulikas -

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 9 May 2016 be received, and the recommendations set out below for Items 6.4 to 6.17 inclusive and 6.19 to 6.21 inclusive be adopted, with Items 6.1 and 6.18 being noted, and Items 6.2 and 6.3 being dealt with as shown immediately following those items.

Carried unanimously.

**ITEM 6.1****DISCLOSURES OF INTEREST**

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

The Committee recommended the following:

**ITEM 6.2****2015/16 QUARTER 3 REVIEW - DELIVERY PROGRAM 2014-2017 (S096187)**

It is resolved that Council:

- (A) note the financial performance of Council for the third quarter, ending 31 March 2016, including the Quarter 3 Net Surplus of \$56.9M and a full year forecast of \$79.4M as outlined in the subject report and summarised in Attachment A to the subject report;

- (B) approve the write-off of a debt for \$112,597 for the lease and licence of a City-owned property at Oxford Street, Darlinghurst as outlined in paragraphs 14 and 15 of the subject report;
- (C) note the Quarter 3 Capital Works expenditure of \$171.2M, a revised full year forecast of \$235.7M and approve the proposed adjustments to the adopted budget, as detailed in Attachment B to the subject report;
- (D) note the Quarter 3 Plant and Assets expenditure of \$10.7M, net of disposals, and full year forecast of \$20.9M;
- (E) note the Information Services Capital Works expenditure of \$4.5M, net of disposals, and a full year forecast of \$8.0M; and
- (F) note the supplementary reports, including contracts issued over \$50,000, major legal issues and the Quick Response, Banner Pole and Reduced Rate Grant Programs in Quarter 3, as detailed in Attachment C to the subject report.

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

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

Carried.

### **ITEM 6.3**

#### **INTEGRATED PLANNING AND REPORTING PROGRAM AND BUDGET 2016/17 - PUBLIC EXHIBITION (\$124956)**

It is resolved that Council endorse:

- (A) the suite of Integrated Planning and Reporting documents for public exhibition for a period of 28 days, including:
  - (i) the draft Operational Plan 2016/17 as shown at Attachment A to the subject report; and
  - (ii) the draft Resourcing Strategy (2016) as shown at Attachment B to the subject report;
- (B) the draft Operating and Capital Budgets, and future years' forward estimates, reflected in the Operational Plan for 2016/17 and draft Resourcing Strategy (2016) including:
  - (i) Operating income of \$530.8M, operating expenditure before depreciation of \$418.4M for an Operating Result of \$112.5M, and a Net Surplus of \$30.6M after allowing for interest, depreciation and capital contributions;
  - (ii) Capital Works expenditure of \$298.9M and a contingency of \$5.0M;
  - (iii) Plant and Assets net expenditure of \$20.7M; and
  - (iv) Net Property Divestments of \$18.8M; and

- (C) the proposed Rating structure and Domestic Waste Management Charges, Stormwater Charges and User Fees and Charges discussed within the subject report and included within the draft Operational Plan 2016/17.

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

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

Carried unanimously.

### **Speakers**

Mr Alastair Lawrie addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.3.

### **ITEM 6.4**

#### **INVESTMENTS HELD AS AT 30 APRIL 2016 (S034147)**

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

Carried unanimously.

### **ITEM 6.5**

#### **NAMING PROPOSAL - RESERVE ON FRANKLYN STREET, GLEBE (X004851)**

It is resolved that:

- (A) Council provide in-principle approval to name the public reserve located at 20-40 Franklyn Street, Glebe as "Robyn Kemmis Reserve";
- (B) Council approve the public exhibition of the naming proposal for community comment for a period of 28 days; and
- (C) a further report be submitted to Council at the end of the exhibition period.

Carried unanimously.

### **ITEM 6.6**

#### **LAND CLASSIFICATION CHANGE - 200 GEORGE STREET, SYDNEY (S121300)**

It is resolved that Council:

- (A) classify 200 George Street, Sydney, being Lot 2 in DP 1213767, as Operational in accordance with section 31 of the Local Government Act 1993;

- (B) publicly notify that "The Council intends to acquire land at 200A George Street, Sydney, being Lot 3 in DP 1213767 as shown at Attachment B and classify the acquired land, detailed herein as operational land in accordance with Section 31 of the Local Government Act 1993"; and
- (C) note that a further report, to inform the outcomes of public notification and recommendation on land classification, will follow the notification period.

Carried unanimously.

#### **ITEM 6.7**

##### **TENDER - SYDNEY PARK BRICK KILNS - CHIMNEY REPAIR WORKS (S097239.004)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the Sydney Park Brick Kilns - chimney repairs; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

#### **ITEM 6.8**

##### **TENDER - RENWICK STREET PLAYGROUND UPGRADE, ALEXANDRIA (S084396)**

It is resolved that:

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

Carried unanimously.

#### **ITEM 6.9**

##### **TENDER – LIBRARY RADIO FREQUENCY IDENTIFICATION PROJECT (RFID BUILDING WORKS) (X000404)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the Library Radio Frequency Identification Project (RFID Building Works); and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

**ITEM 6.10****TENDER - MAINTENANCE AND PRESERVATION WORKS CONTRACT - TIED TO TIDE ARTWORK, PYRMONT POINT PARK (S065581.001)**

It is resolved that:

- (A) Council reject the tender submission received for the maintenance and preservation work contract for the Tied to Tide artwork in Pyrmont Point Park for the reasons set out in confidential Tender Evaluation Summary, Attachment A to the subject report;
- (B) Council enter into negotiations with contractors who are suitably qualified and demonstrate a capacity to undertake the works. It is noted that:
  - (i) inviting fresh tenders may not attract additional suitable contractors over and above those that have responded to this tender; and
  - (ii) Council's reasons for determining to enter into negotiations with contractors are to ensure the best value for money outcome;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with contractors who are suitably qualified and demonstrate a capability to undertake the scope of works;
- (D) authority be delegated to the Chief Executive Officer to enter into a contract subject to the conclusion of negotiations with suitable companies; and
- (E) Council be informed of the successful contractor by CEO Update.

Carried unanimously.

**ITEM 6.11****TENDER - DESIGN AND CONSTRUCTION OF THE GREEN SQUARE LIBRARY AND PLAZA (S105203)**

It is resolved that:

- (A) Council reject all tender offers for the design and construction of the Green Square Library and Plaza for the reasons set out in confidential Attachment A to the subject report;
- (B) authority be delegated to the Chief Executive Officer to enter into negotiations with suitably qualified parties to undertake the scope of works as detailed in the Request for Tender, execute and administer the contracts relating to the tender;
- (C) authority be delegated to the Chief Executive Officer to enter into contracts, subject to the conclusion of negotiations with the successful parties;
- (D) Council approve the additional funds sought from the Future Community and Recreational Facilities budget as outlined in confidential Attachment A to the subject report;

- (E) Council note that the unsuccessful conforming tenderer will be paid a nominal fee of \$100,000 (including GST) for their participation in the RFT process. Payment will only be made after submission of a complying tender and award to the successful tenderer; and
- (F) Council be informed of the successful parties via CEO Update.

Carried unanimously.

#### **ITEM 6.12**

##### **TENDER - GREEN SQUARE LIBRARY AND PLAZA PUBLIC ART (\$105202)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the design, development and delivery of public artwork for Opportunity A - Public Plaza outdoor artwork and the subsequent financial implications outlined in confidential Attachment B to the subject report;
- (B) Council accept the tender offer of Tenderer 'E' for the design, development and delivery of public artwork for Opportunity B - Library Interior artwork and the subsequent financial implications outlined in confidential Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

#### **ITEM 6.13**

##### **TENDER - GREEN SQUARE PUBLIC ART CONNECTING PROJECT (\$121114.006)**

It is resolved that:

- (A) Council reject all tenders for the Green Square public art Connecting Project;
- (B) Council not re-tender the project, as re-tendering is unlikely to attract additional suitable contractors over and above those that have responded to this tender that demonstrate a capacity to undertake the scope of works;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with suitably qualified suppliers (respondent artists and/or artist-led multidisciplinary teams) that have the demonstrated experience and capability to undertake the scope of works;
- (D) authority be delegated to the Chief Executive Officer to enter into a contract with a preferred contractor for the Green Square public art Connecting Project up to a maximum contract value of AU\$1.7M, subject to the conclusion of negotiations with suitably qualified suppliers for the scope of works; and
- (E) Council be informed of the successful tenderer via the CEO Update.

Carried unanimously.

**ITEM 6.14****TENDER - ENVIRONMENTAL SUSTAINABILITY PLATFORM – PART 3 (X001499)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'C' for the Environmental Sustainability Platform – Part 3 for a period of three years, with the option of an extension of two years;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender;
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly; and
- (D) Council approve an increase to the budget for the project as detailed in confidential Attachment A to the subject report.

Carried unanimously.

**ITEM 6.15****TENDER - TALENT MANAGEMENT SYSTEM (S121490)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' to supply, install, integrate with existing systems, commission and provide ongoing support of a Talent Management System for a period of three years; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

**ITEM 6.16****TENDER - MANAGED WEB HOSTING (X001450.008)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'D' for Part B, for a period of three years, with two further options of one year each, subject to satisfactory performance;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the options referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

**ITEM 6.17**

**EXEMPTION FROM TENDER - VENUE MANAGEMENT CATERING SERVICES CONTRACT (S085074.012)**

It is resolved that:

- (A) Council approve an exemption from tender, in accordance with section 55(3)(i) of the Local Government Act 1993, for the contract catering supply arrangements that cover Sydney Town Hall and the Barnet Long Room at Customs House operations, until the completion of the Town Hall House level four upgrade period, currently forecast as 30 June 2017, noting that, because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders at this time;
- (B) Council note that the reasons why a satisfactory result would not be achieved by inviting tenders are:
  - (i) there is an increased risk of transitioning to a new catering service provider during the refurbishment period, including the impacts this will have on continuity of service to venue hirers and disruption to venue operations; and
  - (ii) there is a risk of a decreased financial offer to Council if the contract commences during the refurbishment period;
- (C) Council note the financial implications and consultants recommendations detailed in confidential Attachments A and B to the subject report;
- (D) Council approve the variation of the existing contract with Restaurant Associates (Australia) Pty Ltd; and
- (E) authority be delegated to the Chief Executive Officer to negotiate an extension of the contract to cover the period until the completion of the Town Hall House level four upgrade (noting exact dates are to be finalised once the procurement process relating to the Level 4 upgrade has been completed).

Carried unanimously.

**ITEM 6.18**

**INTERNATIONAL TRAVEL - LEE KUAN YEW WORLD CITY PRIZE FORUM 2016 (S050647)**

Note – No report was circulated on this matter. At the meeting of the Corporate, Finance, Properties and Tenders Committee, the Chair (the Lord Mayor) advised Councillors of her inability to attend this event and thus the withdrawal of the report.

At the meeting of Council, it was noted that this matter had been withdrawn at the meeting of the Corporate, Finance, Properties and Tenders Committee.



**ITEM 6.19****KNOWLEDGE EXCHANGE SPONSORSHIP — STARTUPWEEK SYDNEY – STARTUPWEEK AUSTRALIA (S119728)**

It is resolved that:

- (A) Council approve a cash sponsorship of \$35,000 (excluding GST) to StartupWeek Australia Limited as a sponsor of the StartupWeek Sydney for each year, 2016, 2017, 2018; and
- (B) authority be delegated to the Chief Executive Officer to negotiate and enter into a sponsorship agreement with StartupWeek Australia Limited.

Carried unanimously.

**Speakers**

Mr Alex Scandurra addressed the meeting of the Corporate, Finance, Properties and Tenders Committee (Economic Development and Business Sub-Committee) on Item 6.19.

**ITEM 6.20****KNOWLEDGE EXCHANGE SPONSORSHIP – SBE AUSTRALIA 2016 (S118695)**

It is resolved that:

- (A) Council approve a cash sponsorship of \$35,000 (excluding GST) and \$2,000 value-in-kind for venue hire to SBE Australia as Cornerstone Sponsor 2016; and
- (B) authority be delegated to the Chief Executive Officer to negotiate and enter into a sponsorship agreement with SBE Australia Limited.

Carried unanimously.

**Speakers**

Ms Topaz Conway addressed the meeting of the Corporate, Finance, Properties and Tenders Committee (Economic Development and Business Sub-Committee) on Item 6.20.

**ITEM 6.21****DRAFT EORA JOURNEY ECONOMIC DEVELOPMENT PLAN - PUBLIC EXHIBITION (S102922.011)**

It is resolved that:

- (A) Council approve the draft Eora Journey Economic Development Plan, as shown at Attachment A to the subject report, for public exhibition for a minimum of eight weeks;

- (B) Council establish an Eora Journey Economic Development Working Group comprising members sought via an Expression of Interest process, and endorsed by Council;
- (C) a Terms of Reference for the Eora Journey Economic Development Working Group be developed for endorsement by Council; and
- (D) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments prior to the exhibition of the draft Plan.

Carried unanimously.

**Speakers**

Mr Timothy Gray addressed the meeting of the Corporate, Finance, Properties and Tenders Committee (Economic Development and Business Sub-Committee) on Item 6.21.

**ITEM 7 REPORT OF THE ENVIRONMENT COMMITTEE - 9 MAY 2016****PRESENT**

The Lord Mayor Councillor Clover Moore  
(Chair)

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

At the commencement of business at 3.56pm those present were -

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

Councillor Kok arrived at the meeting of the Environment Committee at 3.58pm during discussion on Item 7.4, which had been brought forward.

**Apologies**

Councillor Irene Doutney conveyed her apologies for her inability to attend the meeting of the Environment Committee.

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

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

Carried.

**Adjournment**

At 4.40pm, it was moved by the Chair (the Lord Mayor) seconded by Councillor Green –

That the meeting of the Environment Committee be adjourned for approximately 20 minutes.

Carried.

At the resumption of the meeting of the Environment Committee at 4.59pm, those present were –

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

**Order of Business**

The Environment Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Item 7.4 be brought forward and dealt with before Item 7.2.

The meeting of the Environment Committee concluded at 5.01pm.

Report of the Environment Committee

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

That the report of the Environment Committee of its meeting of 9 May 2016 be received, and the recommendations set out below for Items 7.2 and 7.3 be adopted, with Item 7.1 being noted, and Item 7.4 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**

**KNOWLEDGE EXCHANGE SPONSORSHIP – ALTERNATIVE TECHNOLOGY ASSOCIATION – SLOW DATE A SUSTAINABILITY EXPERT EVENT (S117676)**

It is resolved that:

- (A) Council approve a cash sponsorship of \$6,456 (excluding GST) to the Alternative Technology Association to support the Slow Date a Sustainability Expert event; and
- (B) authority be delegated to the Chief Executive Officer negotiate, execute and administer a sponsorship agreement with the Australian Technology Association.

Carried unanimously.

**ITEM 7.3**

**TREE DONATION POLICY 2016 – ADOPTION (S077746)**

It is resolved that:

- (A) Council adopt the Tree Donation Policy 2016, as shown at Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to approve minor updates of the Tree Donation Policy 2016 that do not substantially change the policy directions.

Carried unanimously.

The Tree Donation Policy, as adopted by Council, is as follows:

## TREE DONATION POLICY

### Purpose

The Tree Donation Policy provides a framework to guide the donation and placement of trees in the Local Government Area.

The objectives of the policy are to:

- inform the community about tree donations;
- outline the donation categories, donor recognition and the application process;
- provide a clear process on how to donate a tree for planting in council land;
- educate and engage the community in tree planting, which supports the Sustainable 2030 and Greening Sydney Strategies;
- support the community to actively participate in increasing the quantity and quality of the City's urban forest.

### Scope

The policy applies to all streets and parks in the City of Sydney.

### Definitions

Term	Meaning
Advanced tree stock	Trees that range in height from two to five metres and have a container size of 100 – 400 litres
Donation Register	Online record of the location of the trees and the date planted
Donor	Person or organisation donating a tree

### Policy statement

To assist organisations and the community to donate trees to be planted in the public domain.

### Background

The City has approximately 42,000 trees in public spaces throughout its local government area and often receives enquiries from the community about donating trees to commemorate an event, place or person.

In accommodating community requests for tree planting, the policy seeks to provide positive outcomes for both the community and the City, while ensuring a planned and systematic approach to tree planting and management.

The City appreciates that planting a memorial tree is not suitable in all situations, and so offers an alternative for a park bench to be donated and installed as one of the donation categories.

## **TREE DONATION POLICY**

### **Planting Locations**

Donors will be asked to nominate their preferred planting location (park, street) and/or tree species (if applicable). The City's Tree Management Team will then review the location to assess its suitability. Consideration will be given to existing site conditions including, but not limited to, services, soils, surrounding trees, sightlines, the street or park character, available space, and proposed designs or works.

The City will use its tree database and relevant Park and Street Tree Master Plans, to determine planting locations.

If multiple requests are received for a specific location, or there are no opportunities for additional tree planting, alternate locations will be suggested to the donor.

### **Tree Selection**

Tree quality is a vital component that contributes to the long term health and establishment of newly planted trees. All new trees planted in the City's streets and parks conform to the Australian Standard and industry standard as described in *Specifying Trees – A Guide to Assessment of Tree Quality*, 2nd Edition, 2003.

The City plants advanced tree stock into its streets and parks as they have the highest success rates for establishing and thriving. The advanced trees are planted from 100 litre containers (75 kg) to 400 litre containers (400kg) or greater and range in height from two to five metres.

### **Planting Season and Timing of Works**

The City's annual tree planting season takes place between March and September, as planting in the cooler months improves the tree's establishment and long term health. Donors will be advised of the actual planting time to allow them to attend and/or participate in the tree planting.

### **Work Health and Safety**

In the interest of public safety, the tree donor's role in the planting process (if they elect to be present) will be limited to adding topsoil, after the tree has been positioned into the planting hole.

Work Health and Safety issues will be addressed prior to any community participation in planting large, and/or heavy trees, including a site induction prior to any planting. Tree donors will be covered by the City's existing insurance policies for volunteers.

### **Tree Maintenance**

Each donated tree will receive regular maintenance from the City's qualified arborists for the first two years during establishment, followed by annual maintenance visits.

### **Donation Register**

All donated trees once planted or seats when installed, will be recorded in the City's online Donation Register (the Register). The Register will record the location of the trees / seats, the date planted / installed and if the donor prefers, information about the reason for the donation. The City does not support installing and maintaining individual plaques.

## TREE DONATION POLICY

Each tree / seat location will be recorded in the City's electronic asset management system which is linked to a geographical information system. The City uses these tools to coordinate, plan and record all maintenance activities.

### Donation Categories

There are six donation categories:

1. **\$1,000** per tree – for advanced trees planted from 100 - 300 litre containers, which will be approximately two to four metres in height at planting.
2. **\$5,000** per tree – for advanced trees planted from 300 - 400 litre containers, which will be approximately four to five metres in height at planting.
3. **\$10,000** per tree – for planting advanced trees from 400 litre (or greater) containers in high profile locations, which will be approximately five metres (or over) in height at planting.
4. **\$50,000** per tree – for planting advanced trees in the City's iconic parks, e.g. the future replacement planting of the Hills Figs into Hyde Park's Central Avenue.
5. **Park Seats** – \$3000 per seat, noting the seat style and materials are specified in the City's Park Technical Manual.
6. **General donations** will be accepted as a contribution to the City's tree planting programs, throughout the City's local government area.

### Responsibilities

The City's Tree Management Team will assess all applications and advise the donor in writing of the approved species and planting location.

Any proposal to refuse an application must be approved by the Director City Operations. Authority to approve donations at or above \$50,000 be delegated to the Chief Executive Officer.

### References

<b>Laws and standards</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1993</li> <li>• Privacy and Personal Information Act 1998</li> <li>• Work Health and Safety 2012</li> </ul>
<b>Policies, procedures and guidelines</b>	<ul style="list-style-type: none"> <li>• The Greening Sydney Plan</li> <li>• Urban Forest strategy</li> <li>• Street Tree Master Plan</li> <li>• Park Tree Management Plans</li> <li>• Park Technical Manual</li> <li>• Specifying Trees – A Guide to assessment of Tree Quality, 2<sup>nd</sup> Edition, 2003.</li> </ul>

**TREE DONATION POLICY****Approval**

Council adopted this policy on 16 May 2016.

**Review**

<b>Review period</b>	<b>Next review date</b>	<b>TRIM reference</b>
The Council will review this policy every five years	June 2021	2015/440082



**ITEM 7.4****DRAFT OPEN SPACE SPORT AND RECREATION NEEDS STUDY 2016 – PUBLIC EXHIBITION (S127007)**

It is resolved that Council approve the public exhibition of the draft Open Space, Sport and Recreation Needs Study 2016, comprising Attachments A, B, C, D and E, respectively, to the subject report, for a minimum period of four weeks.

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

That the recommendation of the Environment Committee be adopted.

Carried unanimously.

**Speakers**

Ms Leone Huntsman, Mr Keith Johnston and Mr Kent Harrison addressed the meeting of the Environment Committee on Item 7.4.

**ITEM 8 REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 9 MAY 2016**

PRESENT

The Lord Mayor Councillor Clover Moore  
(Chair)

Councillor Jenny Green  
(Deputy Chair)

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

At the commencement of business at 5.02pm those present were -

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

Councillor Scott left the meeting of the Cultural and Community Committee at 5.50pm, prior to discussion on Part B of Item 8.8, and returned at 5.53pm following the conclusion of discussion and voting on that Part of Item 8.8. Councillor Scott was not present at, or in sight of, the meeting of the Cultural and Community Committee during discussion or voting on Part B of Item 8.8.

**Apologies**

Councillor Irene Doutney conveyed her apologies for her inability to attend the meeting of the Cultural and Community Committee.

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

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

Carried.

**Order of Business**

The Cultural and Community 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
6. Grants and Sponsorship – City Recital Hall Limited – Operational Funding 2016 to 2020
4. Knowledge Exchange Sponsorship – Frontyard Projects Incorporated – Arts Assets Platform Prototyping
8. Grants and Sponsorship – Round One Allocation of Annual Programs 2016/17 and Environmental Performance Grants Final Tranche 2015/16
3. Affordable Housing Grant to HammondCare
2. Affordable and Diverse Housing Fund Criteria
5. Friends of the Sydney Town Hall Incorporated and the Christmas at the Sydney Town Hall Organ Concert 2016-2020
7. City of Sydney Curatorial Advisory Panel

The meeting of the Cultural and Community Committee concluded at 6.49pm.

Report of the Cultural and Community Committee

Moved by Councillor Green, seconded by Councillor Kok -

That the report of the Cultural and Community Committee of its meeting of 9 May 2016 be received, and the recommendations set out below for Items 8.4 to 8.7 inclusive be adopted, with Item 8.1 being noted, and Items 8.2, 8.3 and 8.8 being dealt with as shown immediately following those items.

Carried unanimously.

**ITEM 8.1**

**DISCLOSURES OF INTEREST**

Councillor Linda Scott disclosed a significant, non-pecuniary interest in Item 8.8 on the agenda in that she is employed by the University of Sydney, which is recommended as a recipient of two grants and not recommended as a recipient of one grant. Councillor Scott stated that she would not be present for discussion or voting on the grants relating to the University of Sydney in Item 8.8.

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

The Committee recommended the following:

**ITEM 8.2**

**AFFORDABLE AND DIVERSE HOUSING FUND CRITERIA (\$124769)**

The Cultural and Community Committee decided that consideration of this matter be deferred to the meeting of Council on 16 May 2016.

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

It is resolved that Council:

- (A) note that the Objectives, Assessment and Eligibility Criteria and Conditions of Grant for the Affordable and Diverse Housing Fund, as shown in Attachment A to the subject report to the Cultural and Community Committee on 9 May 2016, form part of the protocols proposed to determine the management of the City's Affordable Housing Fund as required by the resolution of Council dated 29 June 2015;
- (B) approve an amendment to the name of the Affordable Housing Fund such that from the date of this resolution it will be known as the Affordable and Diverse Housing Fund;

- (C) note that the Affordable and Diverse Housing Fund contains a broader description of the type of housing and development that could obtain a grant from the Fund than was contemplated by the resolution of Council dated 29 June 2015;
- (D) endorse the Objectives, Assessment and Eligibility Criteria and Conditions of Grant for the Affordable and Diverse Housing Fund, as shown in Attachment A to the subject report to the Cultural and Community Committee on 9 May 2016;
- (E) note that any proposal to make a grant from the Affordable and Diverse Housing Fund will be the subject of a further report to Council; and
- (F) note that if a for-profit entity is the proposed recipient of a grant from the Affordable and Diverse Housing Fund, the proposed grant will be advertised for at least 28 days prior to the proposed date of the grant in accordance with section 356(2) of the Local Government Act 1993.

Amendment. Moved by Councillor Scott –

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

It is resolved that Council:

- (A) note the Objectives, Assessment and Eligibility Criteria and Conditions of Grant for the Affordable and Diverse Housing Fund, as shown in Attachment A is amended as follows:

Objectives:

- (a) maximising the quantum of subsidised housing within the City of Sydney Local Government Area (LGA);
- (b) the leverage of additional funds from sources external to the City and its programs, including private debt finance, charitable donations and grants from State and Federal Government;
- (c) encouraging a broad range of community housing providers to invest in and operate diverse housing within the City LGA;
- (d) ensuring the continued use of funded projects as subsidised housing;
- (e) ongoing management in accordance with the applicable regulatory requirements, such as NSW Affordable Housing Guidelines;
- (f) achieving timely delivery utilising appropriately experienced and capable principals and contractors; and
- (g) sufficient financial capacity of the grantee;

Assessment Criteria:

- (a) quantum, nature and location of subsidised housing and any other uses being delivered;
- (b) proportion of total project cost which is requested as City funding (including cash, value-in-kind and land);

- (c) proportion of total project cost which is funded by the grantee and other sources;
- (d) property development experience, expertise and capability of the grantee/deliverer;
- (e) experience in the operation and management of the type of housing by the grantee/manager in compliance with the applicable regulatory requirements; and
- (f) financial capacity of the grantee;

Eligibility and Conditions:

- (a) funds must only be used for capital expenditures on new subsidised housing development;
- (b) the City's financial contribution must generally not exceed 30 per cent of the total cost of the subsidised housing and the City may seek to secure its contribution through a mortgage or other mechanism;
- (c) the City may seek to secure the continued use as subsidised housing through a positive covenant registered on the land title for the project;
- (d) the City may require the funds to be repaid if the project completion date is not met, the project is terminated, the recipient becomes insolvent, or the project description changes materially;
- (e) the grantee is required to manage and operate the facility in accordance with Federal, State and Local Government regulatory requirements; and
- (f) the facility must generally be completed within three years of funding approval;

To be eligible for funding, an applicant must be:

- (a) an incorporated entity; and
- (b) a provider of community housing as:
  - (i) a registered community housing provider; or
  - (ii) an organisation in partnership with a registered community housing provider;

'Subsidised' housing means all forms of short and long term rental accommodation offered at below market rates, including affordable housing, social housing, assisted living, aged and respite care, crisis housing and boarding houses;

- (B) note that the Amended Objectives, Assessment and Eligibility Criteria and Conditions of Grant for the Affordable and Diverse Housing Funds, form part of the protocols proposed to determine the management of the City's Affordable Housing Fund as required by the resolution of Council dated 29 June 2015;

- (C) approve an amendment to the name of the Affordable Housing Fund such that from the date of this resolution it will be known as the Affordable and Diverse Housing Fund;
- (D) note that the Affordable and Diverse Housing Fund contains a broader description of the type of housing and development that could obtain a grant from the Fund than was contemplated by the resolution of Council dated 29 June 2015;
- (E) endorse the Objectives, Assessment and Eligibility Criteria and Conditions of Grant for the Affordable and Diverse Housing Fund, as shown in Attachment A to the subject report;
- (F) note that any proposal to make a grant from the Affordable and Diverse Housing Fund will be the subject of a further report to Council; and
- (G) will only consider registered community housing providers for the provision of grants from the Affordable Housing Fund, not excluding other providers of community housing who have formed partnerships with registered providers.

The amendment lapsed for want of a seconder.

The motion was carried unanimously.

### **ITEM 8.3**

#### **AFFORDABLE HOUSING GRANT TO HAMMONDCARE (X002702.002)**

It is resolved that Council:

- (A) approve a grant of \$1.5 million to HammondCare for the development of a residential aged care facility at 118A Darlinghurst Road, Darlinghurst, subject to the following conditions:
  - (i) if funding has not been secured for the whole of the project within 12 months of Council funding approval, Council reserves its right to withdraw the grant offer;
  - (ii) grant of development consent for the proposed development;
  - (iii) the grant funds are to be paid when a contract for construction has been awarded and works on-site have commenced;
  - (iv) if HammondCare does not complete the development of 118A Darlinghurst Road, Darlinghurst by 31 December 2020, the grant is to be repaid to the City; and
  - (v) if the use of the facility is changed from the provision of subsidised housing in the future, the grant will be repaid by HammondCare less building depreciation;

- (B) note that grant funding of \$1.5 million has been included in the City's 2016/17 operating budget. When it occurs this expenditure will reduce the monies that have been set aside in the City's Affordable and Diverse Housing Fund, established as per Council's resolution of 29 June 2015 for the sale of the Harold Park affordable housing site; and
- (C) note that the Development Application lodged by HammondCare for the proposal will be assessed by an external planning consultant.

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

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

Carried unanimously

### **Speakers**

Dr Stephen Judd, Mr Andrew Woodhouse and Ms Stephanie Calabornes addressed the meeting of the Cultural and Community Committee on Item 8.3.

### **ITEM 8.4**

#### **KNOWLEDGE EXCHANGE SPONSORSHIP – FRONTYARD PROJECTS INCORPORATED – ARTS ASSETS PLATFORM PROTOTYPING (\$125465)**

It is resolved that:

- (A) Council approve cash sponsorship of \$27,400 (excluding GST) under the Knowledge Exchange Sponsorship Program to Frontyard Projects Incorporated for the development of the Arts Assets prototype and associated gap analysis;
- (B) Council approve value-in-kind of up to \$152 for the waiver of hire fees for the City's community venues; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Frontyard Projects Incorporated.

Carried unanimously.

### **Speakers**

Ms Clare Cooper and Ms Tamara Winikoff addressed the meeting of the Cultural and Community Committee on Item 8.4.

**ITEM 8.5**

**FRIENDS OF THE SYDNEY TOWN HALL INCORPORATED AND THE CHRISTMAS AT THE SYDNEY TOWN HALL ORGAN CONCERT 2016-2020 (X002617)**

It is resolved that Council enter into an agreement with the Friends of the Sydney Town Hall Incorporated to enable the donation of the proceeds of the annual "Christmas at the Town Hall" Organ concert for the years 2016 to 2020.

Carried unanimously.

**ITEM 8.6**

**GRANTS AND SPONSORSHIP – CITY RECITAL HALL LIMITED – OPERATIONAL FUNDING 2016 TO 2020 (X000633)**

It is resolved that:

- (A) Council approve a cash sponsorship of \$450,000 for 2016/17, \$425,000 for 2017/18, \$400,000 for 2018/19 and \$375,000 for 2019/20 (excluding GST) to City Recital Hall Limited;
- (B) Council approve the inclusion of City Recital Hall Limited in the Major Cultural Institutions Banner Program, which provides access to free use of a limited number of banner poles for up to three weeks per year (subject to availability); and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer an agreement with City Recital Hall Ltd for the cash sponsorship detailed in clause (A).

Carried unanimously.

**Speakers**

Ms Elaine Chia and Mr Mal Tulloch addressed the meeting of the Cultural and Community Committee on Item 8.6.

**ITEM 8.7**

**CITY OF SYDNEY CURATORIAL ADVISORY PANEL (X004135)**

It is resolved that Council:

- (A) adopt the revised Curatorial Advisory Panel Terms of Reference, as shown at Attachment A to the subject report;
- (B) adopt the revised Curatorial Policy of the Civic Collection, as shown at Attachment C to the subject report;
- (C) ratify the appointment of Dr Daniel Mudie Cunningham and Dolla Merrillees as external members of the Curatorial Advisory Panel for a term of two years in line with the Curatorial Policy of the Civic Collection; and



- (D) endorse the retention of current Panel member Ann Toy for six months given the extenuating circumstances and the appointment of a new Chair of the Panel.

Carried unanimously.

### ITEM 8.8

#### GRANTS AND SPONSORSHIP – ROUND ONE ALLOCATION OF ANNUAL PROGRAMS 2016/17 AND ENVIRONMENTAL PERFORMANCE GRANTS FINAL TRANCHE 2015/16 (\$117676)

It is resolved that:

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

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
ACON Health Limited	LGBTI Mental Health Project	An awareness raising campaign and community forum to improve mental health and well-being of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) communities in the City of Sydney.	Year 1 only - \$30,000	Nil	Organisation to submit revised project outcomes and budget.
Centipede At Glebe School Incorporated	OOSH Care Programme	An after school and school holiday program providing activities, meals and play resources for disadvantaged children in Glebe.	\$45,000	Nil	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Community Restorative Centre Incorporated	St Johns Rd Arts Inclusion Project	A program of creative art workshops including drawing, photography and music to assist people at risk of criminal justice system involvement connect with the community in Glebe.	Year 1 only - \$25,000	Nil	Nil
NSW Police Force	Kings Cross Police & Plunkett Street School Mentoring Program	A mentorship program in Woolloomooloo where male police officers support local disadvantaged school children through sporting activities and excursions.	\$5,000	Nil	No recurrent funding.
Redfern Legal Centre Limited	Extension of the Miller's Point Tenancy Services (Out of round application)	An extension of services to meet the continued demand for the service from tenants still residing in the area, with an increase in support for residents in more complex circumstances and with more resource intensive needs.	\$50,000	Nil	Nil
Redfern Legal Centre Limited	A Legal Compass on Campus	The development of a language specific mobile phone app for international students residing and studying in the City of Sydney to access legal information and resources.	\$25,000	Nil	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
The Fact Tree Youth Service Incorporated	After Hours Project	A structured program of cultural and recreational activities as well as the provision of a safe space for disadvantaged young people in Redfern and Waterloo.	Year 1 - \$90,000 Year 2 - \$80,000	Nil	Nil
The Shepherd Centre - For Deaf Children	A Sound Start to School – School Social Integration Program for Hearing-Impaired Children	A pilot project to support deaf children develop verbal, social and emotional skills as they transition into mainstream local schools in the City of Sydney area.	\$20,000	Nil	Organisation to submit revised project outcomes and budget.
The Trustee for The Salvation Army (NSW) Property Trust	The Oasis Learn to Drive Program	A program in Surry Hills to support disadvantaged young people attend safe driver courses and obtain a drivers licence.	Year 1 only - \$8,760	Nil	Nil
University of Sydney	Wellbeing through alternative economic development	A program of consultation, mentoring and training for social housing residents in Glebe to support economic participation and develop business opportunities.	Year 1 only - \$25,000	Nil	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Weave Youth & Community Services Incorporated	Inner City Kool Kids	A school holiday and after school program in Glebe, Redfern, Green Square and City South for disadvantaged children and young people to help build social skills, engage with school and improve emotional wellbeing.	Year 1 only - \$50,000	Nil	Nil
White Lion Incorporated	Break Through Mentoring for Youth Employment	A mentoring program to connect at risk young people in the City of Sydney with successful business people in order to increase employment opportunities and provide positive role models.	\$45,000	Nil	Nil

- (B) Council approve the cash grant and revenue foregone (VIK) recommendations for 2016/17 under the Cultural and Creative Grants and Sponsorship Program listed as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
107 Projects Incorporated	107 Presents	A program of creative initiatives including a playwright prize, an accessible music technology workshop series and curated multi-arts experiences at 107 Projects in Redfern.	Year 1 - \$35,000 Year 2 - \$30,000 Year 3 - \$25,000	Nil	Funding to go towards creative personnel.

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Art Pharmacy Pty Ltd	Culture Scouts	A series of walking tours in various City of Sydney arts precincts of local artists and art galleries.	\$10,000	Nil	Funding to go towards the research and development of the tours.
Australian Theatre for Young People	Drama Education Access Program	A tailored drama program for three City of Sydney primary schools in disadvantaged communities, including a live performance and involvement in post-production workshops.	\$18,000	Nil	Organisation to submit a child protection policy.
Branch Nebula Incorporated	SNAKESKIN	The development of a new stage production featuring young performers exploring the theme of adolescence through visual art, dance and prosthetic technology at a City of Sydney location.	\$15,000	Nil	Funding subject to confirmation of Australia Council for the Arts grant support.
Carriageworks Limited	Vicki Van Hout new work commission to feature in the exhibition, Naya Wa Yugali – We Dance	A video work by Aboriginal artist Vicki Van Hout to feature in the social history exhibition Naya Wa Yugali at Carriageworks in Redfern.	\$10,000	Nil	Nil
Intimate Spectacle Pty Ltd	Intimate Spectacle Presents: Performing the Present 1-4	A series of four short-form performance events featuring new work curated by diverse artists at 107 Projects, Redfern.	\$20,000	Nil	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Kaldor Public Art Projects	Spot Fire Symposia - revealing, re-examining and sharing the Garden Palace's forgotten narratives and laying the conceptual groundwork for Project 32: Jonathan Jones, 'barrangal dyara (skin and bones)', 2016	A series of symposia presented by an Aboriginal artist to explore the loss of Aboriginal artefacts in the fire at the Royal Botanic Gardens in the 19th Century. Venues include the Art Gallery of NSW, the Australian Museum and the State Library of NSW.	\$16,500	Nil	Nil
Music NSW Incorporated	Devolved Funding for All-Ages Live Music Events	The administration of devolved funding grants of up to \$5,000 to promoters, booking agents, venues and collectives for the purpose of putting on all-ages live music events in the City of Sydney.	\$50,000	Nil	Organisation to consult with the City's Strategy Advisor – Live Music.
Sydney Theatre Company Ltd	School Drama Access and Outreach	A professional learning program for teachers held at the Sydney Theatre Company and across various schools in the City of Sydney to develop drama teaching strategies that improve student engagement.	\$11,000	Nil	Funding to go towards the schools identified within the Local Government Area.

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
The Music and Booze Company Pty Limited	The King Street Project	A showcase of live music and performance art (involving more than 200 artists and performers) in both traditional and non-traditional venues (25-50 in total) around Newtown and Erskineville.	\$28,000	Nil	Organisation to consult with the City's Strategy Advisor – Live Music.
Theatre of Image Limited	Brett and Wendy - A Love Story Bound By Art	A theatre production and education program in Pymont exploring the life and art of the iconic artist Brett Whiteley.	\$15,000	Nil	Nil

- (C) Council approve the cash grant and revenue foregone (VIK) recommendations for 2015/16 under the Environmental Performance – Building Operations Grant Program listed as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Strata Plan 61897	Water monitoring for residential apartment buildings	Installation of a sub-meter and data loggers at Grand Apartments, 187 Kent Street, Sydney.	\$5,922	Nil	Organisation to provide signed letter of commitment from Executive Committee and Building Manager.
Strata Plan 69746BMC	Water monitoring for residential apartment buildings	Installation of a sub-meter and data loggers at Sonoma, 1-11 Hunter Street, Waterloo.	\$3,078	Nil	Nil

- (D) Council approve the cash grant and revenue foregone (VIK) recommendations for 2015/16 under the Environmental Performance – Ratings and Assessment Grant Program listed as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Strata Plan 61897	Grand Apartments Energy & Water Efficiency Assessment	An energy and water efficiency assessment to be undertaken at Grand Apartments, 187 Kent Street, Sydney.	\$7,100	Nil	Organisation to provide signed letter of commitment from the Executive Committee.
Strata Plan 31284	Windsor Plaza Energy & Water Efficiency Assessment	An energy and water efficiency assessment to be undertaken at Windsor Plaza, 336 Sussex Street, Sydney.	\$5,000	Nil	Organisation to provide signed letter of commitment from the Executive Committee.
Strata Plan 74829	Zinc Apartments Energy & Water Efficiency Assessment	An energy and water efficiency assessment to be undertaken at Zinc Apartments, 30 Garden Street, Alexandria.	\$4,600	Nil	Nil

- (E) Council approve the cash grant and revenue foregone (VIK) recommendations for 2016/17, 2017/18, 2018/19, and 2019/20 under the Festivals and Events Sponsorship Program (Artform or Village and Community) listed as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Australian Art Events Foundation	Art Month Sydney 2017 - 2019	A free arts festival of community events across the City of Sydney including exhibitions, talks and art tours to showcase local artwork and provide professional development opportunities for artists.	Year 1 - \$50,000 Year 2 - \$50,000 Year 3 - \$50,000	Year 1 – Banner pole hire waiver up to the value of \$13,000 Year 2 – Banner pole hire waiver up to the value of \$14,000 Year 3 – Banner pole hire waiver up to the value of \$15,000	Nil



Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Carriageworks Limited	New Australian Art 2017 / 2019 / 2021	A large scale exhibition at the Museum of Contemporary Art, Carriageworks and the Art Gallery of New South Wales profiling artists from different generations working throughout Australia to produce contemporary art.	Year 1 - \$25,000 Year 2 - \$25,000	Year 1 – Banner pole hire waiver up to the value of \$4,809	Nil
Chippendale Creative Precinct Incorporated	BEAMS Arts Festival 2016	A multi-disciplinary arts festival in Chippendale showcasing a variety of art forms including performance, installations and workshops.	Year 1 - \$30,000 Year 2 - \$25,000 Year 3 - \$20,000	Nil	Organisation to consult with the City's Culture and Creativity Team.
Ensemble Offspring Ltd	Kontiki Racket	A festival in Redfern celebrating new music, featuring international and national performers and panel discussions.	\$10,000	Nil	Nil
Head On Foundation LTD	Head On Photo Festival 2017	A photography exhibition and accompanying program of workshops, talks, pop-up events and an awards presentation to be held in Sydney Town Hall, Customs House, Gaffa Gallery and Centennial Park.	Year 1 only - \$20,000	Year 1 only - Lower town hall and banner pole hire up to \$114,000	Organisation to submit a revised budget.

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Newtown Entertainment Precinct	The Sydney Fringe Festival 2017-2019	An independent arts festival presenting over 300 productions in over 50 venues across the City of Sydney to showcase local artists and encourage new audiences.	2017 Event (Year 1) - \$220,000 2018 Event (Year 2) - \$220,000 2019 Event (Year 3) - \$220,000 (Currently \$180,000 per year)	2017 Event (Year 1) - Venue and banner pole hire waiver up to the value of \$50,000 2018 Event (Year 2) - Venue and banner pole hire waiver up to the value of \$50,000 2019 Event (Year 3) - Venue and banner pole hire waiver up to the value of \$50,000	Nil
Sydney Improvised Music Association Incorporated	Sydney International Women's Jazz Festival	A jazz festival in Ultimo showcasing local and international performers, creating opportunities for women in jazz and supporting industry development through workshops, internships and an emerging artist program.	Year 1 - \$25,000 Year 2 - \$20,000 Year 3 - \$20,000	Year 1 – Banner pole hire waiver up to the value of \$5,283 Year 2 – Banner pole hire waiver up to the value of \$5,283 Year 3 – Banner pole hire waiver up to the value of \$5,283	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
The Sydney Festival Limited	Sydney Festival 2018-2020	A celebration of art, culture and diversity through free and ticketed events across the City of Sydney incorporating theatre, dance, opera, music and visual arts from Australia and around the world.	Year 1 - \$1,400,000 Year 2 - \$1,400,000 Year 3 - \$1,400,000	Year 1 - Venue and banner pole hire waiver up to the value of \$450,000 based on the 2016/17 schedule of fees and charges Year 2 - Venue and banner pole hire waiver up to the value of \$450,000 plus any annual increases in fees and charges on 2016/17 rates Year 3 - Venue hire banner pole hire waiver up to the value of \$450,000 plus any annual increases in fees and charges on 2016/17 rates	Nil
Glebe Chamber of Commerce Incorporated	Glebe Street Fair	A day of community celebration in Glebe including music, performance, talks, family activities, markets of artisan products and food.	\$35,000	Venue and banner pole hire waiver up to the value of \$5,654	Organisation to submit a revised project plan outlining performance measures. Organisation to submit a waste management plan.
The Department Pty Ltd	The Spokes People Festival	A series of cycling events in the City of Sydney area promoting community engagement in cycling culture and a film screening as part of Sydney Rides Festival.	\$30,000	Nil	Organisation to advise how new audiences will be engaged. Organisation to engage with the local business community.

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Surry Hills Neighbourhood Centre Incorporated	Surry Hills Festival - An Event of Stories, Love and Tales	A celebration of the community and lifestyle of Surry Hills through a collaborative showcase of live music, food, history, art installations, tours and workshops by local businesses and residents.	Year 1 - \$30,000 Year 2 - \$25,000 Year 3 - \$20,000	Year 1 - Banner pole hire up to the value of \$1,240 Year 2 - Banner pole hire up to the value of \$1,240 Year 3 - Banner pole hire up to the value of \$1,240	Nil
Redfern All Blacks Rugby League Football Club Incorporated	Koori Knockout 2016	A four day rugby league carnival and cultural gathering hosted by the Redfern All Blacks to showcase sporting talent within Indigenous communities across New South Wales.	\$30,000	Venue hire waiver up to the value of \$3,042	Organisation to submit a revised budget.
The Trustee for Australian Museum Trust	Australian Museum Science Festival (AMSF) 2016	A festival at the Australian Museum as part of National Science week celebrating current and future innovations in science through workshops, talks and interactive presentations.	Nil	Banner pole hire waiver up to the value of \$3,175	Nil

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

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Australian Theatre For Young People	ATYP Workshops Access Scholarship Program	A series of drama workshops for disadvantaged young people in the City of Sydney area, as well as the production of a promotional video to connect with youth organisations.	\$10,000	Nil	Organisation to consult with the City's Youth Team Leader and Senior Community Program Officer. Organisation to confirm other funding sources and submit a Child Protection Policy.
Band Association of NSW Incorporated	Bands in the Park	A series of free concerts by community and school brass and concert bands in various parks and open spaces in the local villages of the City of Sydney.	\$8,000	Nil	No recurrent funding. Organisation to consult with the City's Cultural Development Coordinator and Strategy Advisor - Live Music.
Carers NSW Limited	Celebrating 40 years of caring	A free event at the Redfern Community Centre for unpaid family and friend carers to connect with other carers and service providers in the Redfern area.	\$8,220	Nil	Organisation to consult with the Centre Manager, Redfern Community Centre.
Christopher Domergue	'The Robots are Coming' mural	A public art mural by local artists in Iona Lane in Paddington to revitalise an underused area.	\$3,000	Nil	Organisation to submit letters of permission from building owners. Organisation to provide evidence of Development Application submission.

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Holdsworth Street Community Centre Woollahra Inc	"Putting on the Ritz"- a Dance Hall event for older people.	A live music and dance event at Sydney Park Pavilion for seniors who are at risk of experiencing isolation and mental health issues.	\$3,600	Venue hire waiver of Sydney Park Pavilion up to the value of \$260	Nil
Lighting Matavai & Turanga	#welivehere	An art project collaborating with public housing residents in Waterloo to celebrate the community before the area's demolition.	\$10,000	Nil	Organisation to provide confirmation of other funding sources, letter of approval from the NSW Land and Housing Corporation and Development Application approval (if required).
M.P Fitzsimmons & R.J Whittington	Pocket-Sized Precincts	A community art project involving a treasure hunt across City of Sydney villages to highlight local business, activate green spaces and engage new audiences in community art practices.	\$7,500	Nil	Organisation to provide confirmation letters from participating businesses.

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Nadiezhd Koroleva	Stories of Hope	The launch event in Green Square of a photographic exhibition and publication featuring people of a refugee background and their stories of integration in Australia.	\$6,000	Venue hire waiver up to the value of \$3,483	Organisation to consult with the City's Social Policy Officer and Senior Community Program Officer. Organisation to submit revised budget and confirm other funding sources.
Pets In The Park Incorporated	Pets In The Park - Helping the homeless care for their pets	Monthly clinics and an outreach program in various City of Sydney locations that provide free veterinary care for homeless people and their animal companions.	\$10,000	Nil	No recurrent funding.
Reconciliation Park Community Garden	Reconciliation Park Community Garden	An accessible community garden in Reconciliation Park in Redfern.	\$10,000	Nil	Organisation to consult with the City's Community Garden and Volunteer Coordinator. Organisation to submit revised budget and provide quotes.
Samuel George Bright	Clipped Music Video Festival	An event in Glebe as part of Vivid Sydney including an audio-visual exhibition, music video screenings, award ceremonies, discussion panels and live music.	\$10,000	Nil	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
St Vincent De Paul Society NSW	Resilience Film Challenge 2016	A film making and skill development project for the inner city's homeless and at risk community, including storytelling and technical film production workshops, with a final screening in Circular Quay.	\$5,000	Nil	No recurring funding. Organisation to submit revised budget.
Surry Hills Neighbourhood Centre Incorporated	One Million Stars - to End Violence	A community art project to raise awareness about violence, bullying and racism to be displayed in the Surry Hills Library foyer as part of Surry Hills Festival.	\$4,000	Nil	Organisation to confirm venue booking. Organisation to consult with the City's Safe City Manager.
Sydney Boys High School The Ethel Kilip Memorial Trust	Aboriginal and Torres Strait Islander Art Teaching Collection	An art teaching resource to support syllabus requirements and promote awareness of Aboriginal and Torres Strait Islander art, culture and issues at Sydney Boys High School in Surry Hills.	\$9,500	Nil	Organisation to consult with the City's Community Engagement Coordinator.
The Sydney Society of Recorder Players	Engagement of children, youth and older people in music making	The establishment of a recorder orchestra for children and young people as well as a program of workshops for recorder teachers and players in Glebe to engage the local community in music making.	\$5,665	Nil	Nil



Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Uniting (NSW.ACT)	Imagination Unlimited	An exhibition in Kings Cross to share with the local community the artwork and stories of Uniting Medically Supervised Injecting Centre clients.	\$3,805	Nil	No recurrent funding.
University of Sydney	Camperdown Community Day	An inclusive event in Camperdown for public housing tenants and the local community, including an art competition, workshops and entertainment.	\$5,875	Venue hire waiver of the Booter Community Centre up to the value of \$90	No recurring funding.
Wingdings & Things Pty Ltd	Volumes 2016	A two day event of live music and visual art to showcase emerging artists and activate public spaces in the Oxford Street precinct.	\$10,000	Nil	Organisation to submit revised budget.
Women In Theatre & Screen (WITS)	WITS Festival Fatale	A two-day theatre event showcasing women's stories held at the Eternity Playhouse in Darlinghurst to provide opportunities for women artists, engage local audiences and promote cultural inclusion.	\$9,000	Nil	Nil

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

Applicant	\$ Amount Recommended	VIK Recommended	Conditions
Australian Fashion Chamber Ltd	Year 1 - \$40,000 Year 2 - \$40,000	Nil	Nil
Music NSW Incorporated	\$30,000	Nil	Nil
The Surry Hills Creative Precinct Incorporated	\$25,000	Nil	Project 1 - \$10,000 funding to be allocated to the following items \$3,000 for project management, \$6,000 for consultant fees to finalise strategy, \$1,000 workshop.
Darlinghurst Business Partnership Incorporated	\$78,500	Nil	Project 4 - Stage 1 - \$8,000 to be used for development of 'noise filtering' algorithms, reporting software for members and project management. Stage 2 - Upon delivery of a Stage 1 report, \$11,500 to be used for data analysis and distribution, and project management.
Potts Point Partnership Incorporated	\$50,000	Banner pole hirer waiver up to the value of \$6,500	Nil

- (H) Council approve cash grants of \$202,437 in 2016/17 and \$207,498 in 2017/18 (excluding GST) to Access Sydney Community Transport to continue to operate the Village to Village shuttle bus service for a period of two years;
- (I) Council approve value-in-kind (VIK) of up to \$53,300 per year (excluding GST) to Access Sydney Community Transport for the use of parking space and depot facilities at the Bay Street Depot, Ultimo, for up to 13 vehicles;
- (J) Council note that all grant amounts are exclusive of GST and all VIK offered is subject to availability;
- (K) the cash grant under the fourth allocation of the Matching Grant Program for 2015/16 approved by Council on 21 March 2016 to the applicant, being SUPPORT Opportunity and Care Inc, be amended to the applicant being Mentor and Support Limited as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
SUPPORT Opportunity and Care Inc. <b>Mentor and Support Limited</b>	Integrated Care	A personal development program delivering mental health services to residents of the City of Sydney who identify with mental illness, focusing on Waterloo, Redfern and Green Square.	<b>\$8,460</b>	<b>Nil</b>	Organisation to resubmit budget

- (L) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy;
- (M) Council approve the termination of an existing agreement and the grant of a new agreement for \$200,000 between the organisations noted in confidential Attachment L to the subject report for the reasons outlined in confidential Attachment L; and
- (N) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the termination of the existing agreement and the grant of the new agreement as identified in confidential Attachment L to the subject report.

### Procedural Motion

At the meeting of Council, at the request of Councillor Scott, it was agreed that the recommendation of the Cultural and Community Committee be split and dealt with in two Parts, as follows:

Part A – clauses (A) to (N), excepting the grants to the University of Sydney in clauses (A) and (F); and

Part B – the grant to the University of Sydney for the Wellbeing through alternative economic development project in clause (A) and the grant to the University of Sydney for Camperdown Community Day in clause (F).

Part A was moved by Councillor Green, seconded by Councillor Kok, and carried on the following show of hands -

Ayes (6) The Lord Mayor, Councillors Green, Kok, Mant, Scott and Vithoulkas.

Noes (2) Councillors Forster and Mandla.

Part A carried.

Part B was moved by Councillor Green, seconded by Councillor Kok and carried unanimously.

**Speakers**

Ms Courtney Miller and Mr Martin Barker addressed the meeting of the Cultural and Community Committee on Item 8.8.

**ITEM 9 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 10 MAY 2016****PRESENT**

The Lord Mayor Councillor Clover Moore  
(Chair)

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

At the commencement of business at 4.05pm those present were:

Councillors Forster, Green, Kok, Mandla, Mant and Vithoulkas.

The Lord Mayor arrived at the meeting of the Planning and Development Committee at 4.08pm, during discussion on Item 9.2.

Councillor Scott arrived at the meeting of the Planning and Development Committee at 4.08pm, during discussion on Item 9.2.

**Apologies**

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

Moved by Councillor Mant, seconded by Forster -

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

Carried.

**Adjournment**

At 4.36pm, it was moved by Councillor Mant, seconded by Councillor Scott -

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

Carried.

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

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

**Sub-Committees**

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

The Transport, Heritage and Planning Sub-Committee, with Councillor Mant as Deputy Chair, commenced at 4.07pm.

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

The Development Assessment Sub-Committee, with Councillor Mant as Deputy Chair, commenced at 5.06pm.

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 5.13pm.

## **ITEM 9.1**

### **DISCLOSURES OF INTEREST**

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

Councillor Angela Vithoukias disclosed a less than significant, non-pecuniary interest in Items 4 and 6 on the agenda in that she has a business on George Street in the City.

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

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

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

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

Moved by Councillor Mant, seconded by Councillor Green -

That the report of the Transport, Heritage and Planning Sub-Committee of its meeting of 10 May 2016 be received, with Item 9.1 being noted, the recommendations set out below for Items 9.2 and 9.3 being adopted.

Carried unanimously.

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

## **ITEM 9.2**

### **POST EXHIBITION – DRAFT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 (S1171111)**

It is resolved that:

- (A) Council note the submissions received to the public exhibition of the Draft City of Sydney Development Contributions Plan 2015, shown at Attachment A to the subject report;

- (B) Council approve the revised Draft City of Sydney Development Contributions Plan 2015, shown at Attachment B to the subject report, for finalisation and commencement; and
- (C) authority be delegated to the Chief Executive Officer to make any minor amendments to the revised Draft City of Sydney Development Contributions Plan 2015, to correct any minor drafting errors prior to finalisation and commencement.

Carried unanimously.

### **Speakers**

Ms Mary Mortimer and Mr Bill D'Anthes addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.2.

### **ITEM 9.3**

#### **FIRE SAFETY REPORTS (S105001)**

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to D to the subject report;
- (C) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 155-159 King Street, Sydney, as detailed in Attachment B;
- (D) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 116 Wellington Street, Waterloo, as detailed in Attachment C; and
- (E) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in Accessway 2, 572 George Street, Sydney, as detailed in confidential Attachment D.

Carried unanimously.

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

Moved by Councillor Kok, seconded by Councillor Mant -

That the report of the Major Development Assessment Sub-Committee of its meeting of 10 May 2016 be received, with Item 9.4 being dealt with as shown immediately following that item.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

#### ITEM 9.4

##### DEVELOPMENT APPLICATION: 275 GEORGE STREET SYDNEY (D/2015/1136)

It is resolved that consent be granted to Development Application No. D/2015/1136, subject to the conditions as detailed in the subject report.

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

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

It is resolved that consent be granted to Development Application No. D/2015/1136, subject to the conditions as detailed in the subject report to the Planning and Development Committee on 10 May 2016, amended as follows (with additions shown in **bold italics** and deletions shown in ~~strikethrough~~ text):

#### (2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) All sandstone is to be equal to Gosford Piles Creek quarry non banded 'Cream' and not Guinea Gold.
- (b) The panels of sandstone are to be redesigned as follows:
  - (i) Reveals soffits and sills to openings against sandstone, for at least the first three levels, are to be no less than 75mm in depth.
  - (ii) There should be a greater area of sandstone compared to glass in the lower levels to frame openings and display windows.
  - (iii) Facade articulation to George Street and Margaret Street, for at least the Ground Floor and First Floor levels, is to be increased by creating deeper reveal returns. ~~(or a splay) of sandstone, and recessing the glass line adjacent to the sandstone by a minimum depth of 600mm.~~ ***This is to be achieved by:***
    - a. ***Recessing the glass line between each sandstone-clad column by a minimum depth of 150mm from the primary sandstone facade alignment; and***
    - b. ***Retaining the deep sandstone reveals to street entrances as indicated on drawing DA1003 (Rev. G) dated 12.02.2016.***
  - (iv) The proposed paint finish to the western façade at the Ground Floor and First Floor levels is to be of a sandstone colour.
- (c) The top of the building is to be horizontal and not angled in line with the rising topography.



- (d) The proposed selection of glass is not approved. An alternative glazing selection is to be submitted that achieves the following:
- (i) The outer external colour rendering of the glazing is to be of a neutral colour.
  - (ii) The Visible Light Transmission is to be in the order of 60%.
  - (iii) The reflectivity is not to be greater than 16%. This is to be confirmed by a Reflectivity Analysis Report.

To achieve these requirements, the façade design may need to be revised to include additional means of controlling internal thermal loads and glare.

The amendments are to be submitted for the approval of Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued.

Carried unanimously.

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

It is resolved that consent be granted to Development Application No. D/2015/1136, subject to the following conditions:

#### **SCHEDULE 1A**

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

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

#### **(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2015/1136 dated 13 August 2015 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA1000 (Rev. D)	Architectus Sydney	22.12.2015
DA1001 (Rev. G)	Architectus Sydney	12.02.2016
DA1002 (Rev. G)	Architectus Sydney	12.02.2016
DA1003 (Rev. G)	Architectus Sydney	12.02.2016
DA1004 (Rev. G)	Architectus Sydney	12.02.2016
DA1005 (Rev. D)	Architectus Sydney	12.02.2016
DA1006 (Rev. E)	Architectus Sydney	12.02.2016
DA1007 (Rev. D)	Architectus Sydney	12.02.2016
DA1009 (Rev. B)	Architectus Sydney	12.02.2016
DA1011 (Rev. B)	Architectus Sydney	12.02.2016
DA1013 (Rev. G)	Architectus Sydney	12.02.2016
DA1015 (Rev. B)	Architectus Sydney	12.02.2016

Drawing Number	Architect	Date
DA1017 (Rev. G)	Architectus Sydney	12.02.2016
DA1018 (Rev. D)	Architectus Sydney	12.02.2016
DA2000 (Rev. G)	Architectus Sydney	12.02.2016
DA2001 (Rev. G)	Architectus Sydney	12.02.2016
DA2002 (Rev. G)	Architectus Sydney	12.02.2016
DA2003 (Rev. G)	Architectus Sydney	12.02.2016
DA2004 (Rev. G)	Architectus Sydney	12.02.2016

and as amended by the conditions of this consent.

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

## (2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) All sandstone is to be equal to Gosford Piles Creek quarry non banded 'Cream' and not Guinea Gold.
- (b) The panels of sandstone are to be redesigned as follows:
- (i) Reveals soffits and sills to openings against sandstone, for at least the first three levels, are to be no less than 75mm in depth.
  - (ii) There should be a greater area of sandstone compared to glass in the lower levels to frame openings and display windows.
  - (iii) Facade articulation to George Street and Margaret Street, for at least the Ground Floor and First Floor levels, is to be increased by creating deeper reveal returns. This is to be achieved by:
    - a. Recessing the glass line between each sandstone-clad column by a minimum depth of 150mm from the primary sandstone facade alignment; and
    - b. Retaining the deep sandstone reveals to street entrances as indicated on drawing DA1003 (Rev. G) dated 12.02.2016.
  - (iv) The proposed paint finish to the western façade at the Ground Floor and First Floor levels is to be of a sandstone colour.
- (c) The top of the building is to be horizontal and not angled in line with the rising topography.
- (d) The proposed selection of glass is not approved. An alternative glazing selection is to be submitted that achieves the following:
- (i) The outer external colour rendering of the glazing is to be of a neutral colour.

- (ii) The Visible Light Transmission is to be in the order of 60%.
- (iii) The reflectivity is not to be greater than 16%. This is to be confirmed by a Reflectivity Analysis report.

To achieve these requirements, the façade design may need to be revised to include additional means of controlling internal thermal loads and glare.

The amendments are to be submitted for the approval of Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued.

**(3) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 69.60 (AHD) to the top of the building and RL 67.660 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

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

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

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

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 12.74:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 8058sqm.

Note: The Floor Space Ratio and Floor Space Area specified above are inclusive of 153sqm of end of journey floor space as defined by the Sydney Local Environmental Plan 2012.

- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that 1423sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 8:1 as specified in the Sydney Local Environmental Plan 2012.

**(6) TREATMENT OF PROPOSED EXTERNAL WALLS**

Details of the treatment of the wall on the southern boundary must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the Construction Certificate being issued. Any work is required to be completed prior to the Occupation Certificate being issued or the commencement of the use, whichever is earlier.

**(7) BOUNDARY WINDOWS COVENANT**

All windows adjacent to the southern boundary of the site must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. Prior to a Construction Certificate being issued, a documentary restrictive covenant is to be registered on the Title of all units/tenancies facing the affected boundary. The covenant is to be created appurtenant to Council and at no cost to Council.

**(8) 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.

**(9) USE - SEPARATE DA REQUIRED RETAIL TENANCIES**

A separate development application for the fitout and use of each individual retail tenancy must be submitted to and approved by Council prior to that fitout or use commencing.

**(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.

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

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

Bicycle Parking Type	Number	Requirements
Non-residential	54	Spaces must be Class 2 bicycle facilities
Non-residential visitor	35	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	5	
Personal lockers	89	

Notes:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

**(12) ON SITE LOADING AREAS AND OPERATION**

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

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

**(13) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 6.4m.

**(14) 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".

**(15) 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.

**(16) 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.

**(17) USE OF INTRUSIVE APPLIANCES – NOT APPROVED**

This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992”.

**(18) REFLECTIVITY**

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

**(19) UNDER AWNING LIGHTING**

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

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

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

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

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

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

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

## **SCHEDULE 1B**

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

**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.



**(21) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

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

The form of the recording is to be as follows:

- (a) 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 files of approximately 5000 KB and cross referenced to the digital catalogue sheets and base plans.

**(22) 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.

**(23) EXTERNAL WALLS AND CLADDING**

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

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products proposed for use or used in the construction of external walls including finishes and claddings such as aluminium composite panels comply with the relevant requirements of the BCA; and

- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the BCA.

**(24) 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).

**(25) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

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

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

**(26) 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.

## **(27) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 283 George Street Sydney 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.

**(28) 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.

**(29) 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.

**(30) 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).

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

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

**(32) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:
  - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
  - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)

- (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
  - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the Work, Health and Safety Act 2011 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
  - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
  - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
  - (iv) The name and address of the transport contractor.
  - (v) The type and quantity of material to be removed from site.
  - (vi) Location and method of waste disposal and recycling.
  - (vii) Proposed truck routes, in accordance with this development consent.
  - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
  - (ix) Measures to control noise emissions from the site.
  - (x) Measures to suppress odours.
  - (xi) Enclosing and making the site safe.
  - (xii) Induction training for on-site personnel.
  - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.

- (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
  - (xv) Disconnection of utilities.
  - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
  - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
  - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
  - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).
  - (xx) Working hours, in accordance with this development consent.
  - (xxi) Any Work Cover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

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

A site specific noise management plan shall be submitted to Council for approval prior to issue of any Construction Certificate.

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

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

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.

- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

**(34) COMPLIANCE WITH DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT**

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

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



**(35) 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 ARUP dated 6 July 2015, ref ACCR001, Council Ref. Trim 2015/419702 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 Certifying Authority which addresses the following requirements:
- (i) Compliance with Council's Noise General Condition;
  - (ii) Assessment of construction methodologies so that recommendations of Part 4 of the Acoustic Report will be achieved;
  - (iii) Recommendations of Part 5 of the Acoustic Report being implemented; and
  - (iv) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the Certifying Authority that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

**(36) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

**(37) CONSTRUCTION TRAFFIC MANAGEMENT PLAN – TRANSPORT FOR NSW**

- (a) A Construction Pedestrian and Traffic Management Plan (CPTMP) is to be prepared for the site in consultation with the CBD Coordination Office within TFNSW and Sydney Light Rail operator. The CPTMP must include, but is not limited to the following:
- (i) Location of proposed work zone;
  - (ii) Proposed crane location;

- (iii) Haulage routes;
  - (iv) Construction vehicle access arrangements;
  - (v) Proposed construction hours;
  - (vi) Estimated number of construction vehicle movements;
  - (vii) Construction program;
  - (viii) Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
  - (ix) Cumulative construction impacts of projects including Sydney Light Rail Project, Should any impacts be identified, the duration of the impacts; and
  - (x) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.
- (b) A copy of the final plan is to be submitted to the Coordinator General of the CBD Coordination Office for approval prior to the commencement of any work.

**(38) CONSTRUCTION LIAISON COMMITTEE**

- (a) Prior to the commencement of any work, a Construction Liaison Committee is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and cooperatively.
- (b) The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.
- (c) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the construction process.
- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contact details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.

- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.
- (f) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

**(39) 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.

**(40) SUBSTATION ELECTRO MAGNETIC RADIATION**

- (a) Electric and magnetic fields emitted from the substation enclosure shall be limited to levels as recommended by the Interim Guidelines on Limits of Exposure 50/60 Hz Electro Magnetic Fields (1989) as approved by the National Health and Medical Research Council.
- (b) Prior to Occupation Certificate, an appropriately qualified person is to certify that electric and magnetic fields emitted from the sub-station room are compliant with recommendations as specified by the Interim Guidelines on Limits of Exposure 50/60 Hz Electromagnetic Field (1989).

**(41) AUSGRID REQUIREMENTS**

- (a) The developer is to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application Form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. whether a substation is required on site).
- (b) The developer is to ensure that the proposed works do not contravene Ausgrid's technical standards and statutory requirements in regard to the safe and reliable operation and maintenance of the Ausgrid network.

**(42) EMISSIONS**

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

**(43) 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.

#### **(44) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION**

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

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

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

#### **(46) 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.

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

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

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

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

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

**(48) PROTECTION OF SURVEY INFRASTRUCTURE**

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

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

**(49) 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.

**(50) 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.

**(51) 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 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.

#### **(52) 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.

#### **(53) 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.

#### **(54) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the George Street, Margaret Street and Wynyard Lane frontages of the site are to be retained and properly protected during excavation and construction works.



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

**(55) PUBLIC DOMAIN DAMAGE DEPOSIT**

A Public Domain Damage Deposit calculated on the basis of 2 lineal metres of granite and 2 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.

**(56) 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.

**(57) 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.

**(58) 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).

**(59) 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.

**(60) LOT CONSOLIDATION**

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

**(61) PUBLIC ART**

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

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

A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of the Construction Certificate. The Strategy is to detail how the proposed works will ensure that the adjacent 'Shell House' is suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.

**(63) PHYSICAL MODELS**

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

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modelers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

**(64) 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.

**(65) LANDSCAPED (GREEN) ROOFS – SKY TERRACE**

- (a) A detailed plan of the open sky terrace, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
  - (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
  - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
  - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.

- (v) Details of the soil media/substrate type and depth.
  - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
  - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
  - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate, the following details are to be submitted to and approved by the Principal Certifying Authority:
- (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
  - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate.
- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

## **(66) STREET TREE PROTECTION**

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

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

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

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

- (a) 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'.

#### **(68) ELECTRICITY SUBSTATION**

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

**(69) SYDNEY WATER CERTIFICATE (QUICK CHECK)**

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

**(70) 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.

**(71) 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.

**(72) 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.

### **(73) 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.

## **SCHEDULE 1C**

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

#### **(74) 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.

#### **(75) 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.

**(76) 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.

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

The following requirements apply:

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

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

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

**(79) USE OF MOBILE CRANES**

The following requirements apply:

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

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

#### **(80) 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.

#### **(81) 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.

#### **(82) 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.

### **(83) COVERING OF LOADS**

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

### **(84) 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.

### **(85) 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.

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

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

### **(87) 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.

### **(88) 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.

**(89) SYDNEY WATER CERTIFICATE**

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

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

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

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

**(90) 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.

**SCHEDULE 2**

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

**Speakers**

Mr Matthew Bailey addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.4.

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

Moved by Councillor Mant, seconded by Councillor Kok -

That the report of the Development Assessment Sub-Committee of its meeting of 10 May 2016 be received, with the recommendations set out below for Items 9.6 and 9.7 being adopted, and Item 9.5 being dealt with as shown immediately following that item.

Carried unanimously.

The Development Assessment Sub-Committee recommended the following:

**ITEM 9.5****DEVELOPMENT APPLICATION: 18 OXLEY STREET GLEBE - BRIDGEWATER (D/2015/1875)**

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 16 May 2016.

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

It is resolved that:

- (A) the variation sought to Clause 4.3 (Building Height) of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No D/2015/1875 subject to the conditions as detailed in the subject report to the Planning and Development Committee on 10 May 2016, amended as follows (with additions shown in **bold italics** and deletions shown in ~~**bold italics strikethrough**~~ text):

**(2) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) ~~**The balustrading is to be relocated to provide an 800mm setback from the inside face of the parapet of the building.**~~
- (b) ~~**Planter boxes to be installed within the setback area with appropriate drainage and support structures.**~~
- (a) **The southern planting area beyond the glass balustrade enclosure is to be deleted. This area is not to be publicly accessible.**
- (b) **The southern line of balustrading and new roof deck is to be set back a minimum of one metre from the southern building line of the existing winged structure at the rooftop level.**
- (c) **The plans and elevations are to be amended to include all details of the dimensions and locations of perimeter planters or similar structures.**

**All structures are to be consistent with the approved dimensions of similar planter beds and structures as approved at Unit 7 of Building A of Bridgewater under D/2015/615.**

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

Carried unanimously.

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

It is resolved that:

- (A) the variation sought to Clause 4.3 (Building Height) of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No. D/2015/1875, subject to the following conditions:

### **SCHEDULE 1A**

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

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

#### **(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2015/1875 dated 11 May 2015 and the following drawings:

<b>Drawing Number</b>	<b>Drawing Title</b>	<b>Architect</b>	<b>Date</b>
DA02	Proposed Terrace	Robert Walters	20.01.2016
DA03	Proposed Roof Plan	Robert Walters	20.01.2016
DA04	North, East and South Elevations	Robert Walters	20.01.2016
DA05	North East View	Robert Walters	20.01.2016
DA06	South East View	Robert Walters	20.01.2016
DA07	Southern View	Robert Walters	20.01.2016
CD.4.02	Landscape Plan	John Waters	22.03.2016

and as amended by the conditions of this consent.

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

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

The design of the building must be modified as follows:

- (a) The southern planting area beyond the glass balustrade enclosure is to be deleted. This area is not to be publicly accessible.
- (b) The southern line of balustrading and new roof deck is to be set back a minimum of one metre from the southern building line of the existing winged structure at the rooftop level.
- (c) The plans and elevations are to be amended to include all details of the dimensions and locations of perimeter planters or similar structures.

All structures are to be consistent with the approved dimensions of similar planter beds and structures as approved at Unit 7 of Building A of Bridgewater under D/2015/615.

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

**(3) DESIGN MODIFICATIONS - LANDSCAPING**

The landscaping for the building must be modified as follows:

- (a) The planter beds are to be a maximum of 500mm in height from the finished floor level of the deck and planted area.
- (b) An amended landscape plan is to be submitted with details of all planting structures and species selection, in particular addressing the mature height of the selected species.

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

**(4) MATERIALS AND SAMPLES BOARD**

Details of the treatment of the planter boxes, balustrading, and a materials sample board detailing all proposed finishes for must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

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

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

**SCHEDULE 1B**

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

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

**(6) 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.



**(7) 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****(8) 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.

**(9) 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.

#### **(10) 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.

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

The following requirements apply:

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

#### **(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) STRATA SUBDIVISION**

Prior to the issue of an Occupation Certificate, either:

- (a) An exclusive use by-law, with terms prepared by a solicitor, shall be created by special resolution passed at a duly convened general meeting of the Owners Corporation, providing exclusive use for the owners and occupants of Lot 18, of the rooftop area adjacent to, and accessible from, the part of Lot 18 contained within the roof space of the building as shown on page 9 of SP 67631, or

- (b) Alternatively, development consent to Strata Subdivide Lot 18 and the Common Property of Strata Plan 67631, and therefore the lodgement of a separate development application or complying certificate application, and subsequent approval from Council or an accredited certifier, of the Strata Plan and issue of a Strata Certificate under the Strata Schemes (Freehold Development) Act 1973.

## **SCHEDULE 2**

### **PRESCRIBED CONDITIONS**

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

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

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

### **Speakers**

Mr John Waters addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.5.

## **ITEM 9.6**

### **DEVELOPMENT APPLICATION: 101-109 YORK STREET SYDNEY (RD/2015/1812/A)**

It is resolved that Council change the determination of Development Application No. D/2015/1812 and grant consent to Development Application No. RD/2015/1812/A, 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. RD/2015/1812/A dated 7 March 2016 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
A4 rev. 1	KPMG SGA	9 February 2016
A5 rev. 1	KPMG SGA	9 February 2016
A6 rev. 1	KPMG SGA	9 February 2016

and as amended by the conditions of this consent.

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

**(2) 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](http://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 Contribution (Amendment) Plan 2002/ 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.

#### **(3) 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.

#### **(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) 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.

#### **(6) STRUCTURAL CERTIFICATION - LOUVRES**

Prior to the issue of a Construction Certificate details of the proposed method of fixing the louvres 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**

#### **(7) 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.

**(8) 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.

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

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

**SCHEDULE 2**

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

Carried unanimously.

**ITEM 9.7**

**DEVELOPMENT APPLICATION: 13-17 GREEK STREET GLEBE (D/2016/189)**

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 “Height of Buildings” in accordance with Clause 4.6 “Exceptions to development standards” in Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2016/189, 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/2016/189 dated 22 February 2016 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
A100 Rev A	Morrison Design Partnership	11 February 2016
A200 Rev A	Morrison Design Partnership	19 February 2016 amended 1 April 2016

and as amended by the conditions of this consent.

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

**(2) DESIGN MODIFICATIONS**

The louvers are to match the existing colour of the building facade. Details of the colour and material of the louvers are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

**(3) BUILDING HEIGHT**

The height of the approved plant enclosure must not exceed RL 31.59 (AHD).

**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) 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.

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

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

**(7) 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).

**(8) BARRICADE PERMIT**

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

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

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

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



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

**(10) 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**

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

The following requirements apply:

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

**(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) 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.

**(14) 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.

**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.

### **Adjournment**

At this stage of the meeting, at 8.28pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately 10 minutes.

Carried.

At the resumption of the meeting of Council, at 8.43pm, those present were –

The Lord Mayor, Councillors Forster, Green, Scott and Vithoulkas.

Councillors Kok, Mandla and Mant returned to the meeting of Council at 8.44pm prior to discussion on Item 12.

## **ITEM 10 QUESTIONS ON NOTICE**

### **REFUGEE PASSPORT (S103146)**

1. By Councillor Doutney

#### **Question**

1. Has the City received a formal invitation from Marrickville Council to sign up for the 'refugee passport' initiative, to expand free services to refugees?
2. If so, how has the City responded?

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

City staff are aware of the Marrickville Council 'Community Passport' initiative, which proposes to provide refugees and asylum seekers with free access to Council facilities such as swimming pools and gyms during off peak times.

To date, the City has not received a formal invitation from Marrickville Council to participate in this initiative.

Free and subsidised services currently available to refugees and asylum seekers in the City of Sydney are detailed in a Question on Notice for the Council meeting of 29 February 2016.

### **KENT STREET UNDERPASS WORKS (S103142)**

2. By Councillor Scott

#### **Question**

Please detail the costs, broken down by year, since 2004, for works to the Kent Street Underpass.

Please detail the cost of the recent 'pop up' artwork, broken down by item, including installation and removal.

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

Please refer to the Relevant To Memo issued for Item 6.2.

### **NON-RESIDENTIAL VOTING REGISTER – DATA COLLECTION (S103142)**

3. By Councillor Scott

#### **Question**

I refer to the City's data collection effort for the purposes of the implementation of the non-residential voting register.

What is the updated cost of the implementation, broken down by item?

What training has been given to City staff answering calls? What is the cost of this training?

If training has been given, how many staff have been trained? Who conducted this training?

Were alternative processes considered, and/or costed, in the design of the implementation plan for the non-residential voting register? If so, please provide details.

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

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

### **SHORT TERM LEASING BREACHES AND ENFORCEMENT (S103142)**

4. By Councillor Scott

#### **Question**

1. By suburb, how many incidents of prohibited short term leasing and short term leasing breaches is the City aware of in the past 12 months?
2. By suburb, how many enforcement orders were issued by the City in relation to prohibited short term leasing and short term leasing breaches?
3. Can the Lord Mayor briefly outline the nature of these prohibited activities or breaches?

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

1. Following a review of the 'Building – Unauthorised Use – Short Term Backpacker' CSM reference code in Pathway for the period 1 May 2015 to 1 May 2016, the following information has been collected.
  - Central Area - Ultimo, Haymarket, Chippendale, Surry Hills – 50 complaints
  - East Area - Moore Park, Paddington, Darlinghurst, Woolloomooloo, Potts Point, Elizabeth Bay, Rushcutters Bay – 25 complaints
  - North Area – Sydney, Millers Point, The Rocks, Dawes Point – 19 complaints
  - South Area – Redfern, Eveleigh, Waterloo, Alexandria, Zetland, Beaconsfield, Rosebery, St Peters – 29 complaints
  - West Area – Pyrmont, Annandale, Glebe, Forest Lodge, Camperdown, Darlington, Newtown, Erskineville – 43 complaints
  - Health and Building Dedicated Investigation Team (DIT) – 58 complaints

Total = 224

Note – the CSM category 'Development without Consent' has not been included in the above figures and there may be some additional complaints related to short term leasing which have been categorised under this heading.

2. A comprehensive review of the 224 investigations in Pathways would be needed to determine how many enforcement orders have been issued over the last 12 months. However, information collected by the Health and Building Dedicated Investigation Team (DIT) shows that 80 Notices and Orders have been issued in the past 12 months for the category 'Building - Unauthorised Use – Short Term Backpacker'.
3. In summary, most breaches of the Environmental Planning and Assessment Act 1979 (EP&A Act) relate to the change of 'use' and result in a residential unit being used as Tourist and Visitor Accommodation. A number of these illegal units have unlawful 'works'; that is false partitions which increase the number of rooms within the unit. In these cases (*and including change of use*) enforcement action is taken which may include: warning letters, Notices, Orders, Penalty Notices, Court Attendance Notices.

### **GREENS ROAD, PADDINGTON (S103142)**

5. By Councillor Scott

#### **Question**

Will the Lord Mayor commit to asking City staff to conduct an impact assessment of the new parking times in Greens Road, Paddington, and asking the CEO to report back to Councillors via the CEO Update in two months?

This impact assessment should include hours patrolled, enforcement notices and warnings given, and qualitative information on the impact on residential and business views regarding the changes.

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

At the March 2016 meeting of the Local Pedestrian, Cycling and Traffic Calming Committee, the Committee endorsed new parking changes to various streets in Paddington, including Greens Road.

I have a deep knowledge of the area and its parking issues, particularly as my electoral office on Oxford Street, Paddington during my time as a NSW MP for 24 years was located in close proximity.

I have reconsidered this decision. I will request the CEO to consult local residents and businesses on a proposal to reinstate the previous parking controls. Should the proposal be supported, the changes will be referred to the next available meeting of the Local Pedestrian, Cycling, and Traffic Calming Committee for consideration.

### **T2 BUILDING AT TAYLOR SQUARE (S103142)**

6. By Councillor Scott

#### **Question**

I refer to the T2 Building at Taylor Square.

1. Please detail the proposed timing for the EOI process for the T2 Building, providing opening and closing dates.
2. The previous intended use of the T2 building, as a cycling hub, was abandoned in November 2015. In the six months since then, has the City of Sydney undertaken consultation with LGBTI organisations or any other community organisations about alternative uses of the T2 Building?
3. If so, please detail who and when.
4. What are the proposed savings from refurbishment now budgeted for in the 2016/17 Budget?

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

On 29 February 2016, Council endorsed in principle the sale of 1-5 Flinders Street and to conduct an Expression of Interest (EOI) process to identify suitable proponents to acquire, refurbish and use the property consistent with City's objectives of urban renewal.

The property at 1-5 Flinders Street, while no longer required for its intended purpose as a bike hub, remains influential in its capacity to rebalance the activation of Taylor Square South. In disposing of this surplus asset, Council would aim to seek best financial return while maximising opportunities to deliver on the desired outcomes of the urban study and activation of the public domain.

The City commissioned a specialist independent review of the commercial uses to best meet the objectives and, through this process, have also identified agents to undertake the EOI. A brief, including base terms and conditions and contract of sale, together with supporting documentation, will be issued to select agents shortly.

It is envisaged that selection of the agent will be made in mid-June, with the EOI running for four weeks. It is expected that responses will not be evaluated until the end of July/early August.

The funds previously allocated to the refurbishment project will form part of general funding assigned to the City's 10 year Capital Works Program, incorporating the delivery of new facilities and infrastructure across the Local Government Area, as well as renewal and upgrade works to existing facilities and infrastructure.

### **LIBRARIES (S103142)**

7. By Councillor Scott

#### **Question**

Do the City's Libraries hold the AEC electoral roll?

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

The City's libraries do not hold the current AEC electoral roll, nor do any public libraries. Further information on accessing the current AEC electoral roll may be found on the AEC's website: [http://www.aec.gov.au/Enrolling\\_to\\_vote/About\\_Electoral\\_Roll/](http://www.aec.gov.au/Enrolling_to_vote/About_Electoral_Roll/)

**KPI TARGETS (S103142)**

8. By Councillor Scott

**Question**

I refer to the KPI targets outlined in the 2016/17 budget. Can the Lord Mayor advise which KPIs without a specific numeric target will be allocated one and, if so, when?

**Answer by the Lord Mayor**

The CEO has asked staff to review appropriate targets whilst the draft Integrated Planning and Reporting 2016/17 documents are on public exhibition, with any changes to be proposed for adoption in the June Council meeting.

**CAPITAL EXPENDITURE (S103142)**

9. By Councillor Scott

**Question**

Can the Lord Mayor provide a complete list of projects to be funded as part of the 2016/17 Capital Expenditure Budget?

**Answer by the Lord Mayor**

Please refer to the Integrated Planning and Reporting Program and 2016/17 draft Budget documentation.

**NSW ELECTORAL COMMISSION NON-RESIDENTIAL ROLL POSTAL VOTING (S103147)**

10. By Councillor Vithoukas

**Question**

Have we had confirmation from the NSW Electoral Commission that they will have enough time to provide postal voting for people on the non-residential roll for the City of Sydney 2016 elections?

**Answer by the Lord Mayor**

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



**BUSINESS VOTING INFORMATION SESSIONS (S103147)**

11. By Councillor Vithoukas

**Question**

The City of Sydney currently has a number of Information Sessions for the 2016 City of Sydney Local Government elections. What information will be available at these information sessions? Will all the sessions provide the same information?

**Answer by the Lord Mayor**

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

**TAP & GO PARKING METERS (S103147)**

12. By Councillor Vithoukas

**Question**

Are there any parking meters within the City of Sydney LGA that currently have Tap & Go facilities? If so, have there been any operational problems and/or negative customer feedback about these machines with Tap & Go facilities?

**Answer by the Lord Mayor**

Presently, there are no parking ticket machines within the City of Sydney LGA that have the Tap & Go facility installed and operable. This process is now awaiting Euro Mastercard Visa (EMV) compliance. The City is currently working on the final stage EMV compliance with its bank and credit card payment gateway service provider.

Parking Services has not received any complaints or adverse feedback about Tap & Go facilities in general or about not yet having Tap & Go facilities available.

**MOBILITY PARKING PERMITS (S103147)**

13. By Councillor Vithoukas

**Question**

The Quarter 3 Review noted that an increased number of residential and mobility parking permits have been issued by the City and that has resulted in a decrease in enforcement income for the City. Please provide a breakdown of how many additional residential parking permits have been issued and which zones or suburbs they have been allocated to. Also, how many mobility parking permits have been issued and which zones or suburbs have they been allocated to?

**Answer by the Lord Mayor**

I have been advised that the requested information will be distributed via CEO Update.

**REMOVAL OF PARKING METERS (S103147)**

14. By Councillor Vithoukas

**Question**

How many parking meters have been removed due to various road works in the City of Sydney LGA? Have they been permanently removed? Please provide a breakdown of where they have been removed and an estimate of revenue loss.

**Answer by the Lord Mayor**

There have been 67 parking ticket machines permanently removed at various times over the last two years. Seven parking ticket machines have been removed on a temporary basis and will be reinstated at the completion of works.

The removals have resulted in a total loss of revenue of \$2,055,197.

Ongoing works in relation to the Sydney City Centre Capacity Improvement Plan will continue to have an impact on the location of existing parking ticket machines, parking revenue and parking availability.

**T2 COSTS SO FAR (S103147)**

15. By Councillor Vithoukas

**Question**

What has the City spent on the property known as T2 at Taylor Square - excluding the purchase price? Please provide a breakdown of these costs so far since the building has been purchased, including artwork, development and design costs, tender costs, legal fees, advertising, consultant's fees etc. Also, has an estimation of loss of income over the years been calculated? And what was the projected income revenue based on the design and tender scope?

**Answer by the Lord Mayor**

The actual capital to date on the property is \$1,525,208 excluding GST.

The main component break up of this cost is:

Design	\$1,026,720
Survey & Authority Fees	\$ 429,075
Supply Costs	\$ 6,340
Early Investigative Works	\$ 63,073

Following its acquisition in December 2009 and an Expression of Interest to identify short term tenancies, the building was leased until March 2013 generating \$124,010 revenue.

The Council endorsed design development necessitated investigative works of an invasive nature to parts of building fabric and structure. From April 2013 until the current day the invasive works effectively rendered the building unsuitable for occupation.

Projected income revenue reflected market rates for the individual uses that were proposed in the design and tender scope. Council had, through an EOI process, selected a preferred operator whose business model predicated commercial viability of the proposal.

## **PUBLIC ART ON GEORGE STREET – HEAD ON PHOTOGRAPHIC POP UP (S103147)**

16. By Councillor Vithoukas

### **Question**

Did the City pay for the public art on the cement road barriers that surround the Head On photo pop up exhibition on George Street? Two artists were used: Nadia Hernandez and Elliot Numskull. Has the city tracked the success and engagement of this project? What was the purpose of this project?

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

The City did not pay for the public art on the road barriers that surround the Head On photo pop up exhibition on George Street.

The City has not tracked the success and engagement of this project as it is a Transport for NSW initiative.

The project is part of Transport for NSW's Light Rail Business Activation Program and aims to support business activity during the light rail construction.

## **CITY CENTRE PUBLIC ART (S103148)**

17. By Councillor Forster

### **Question**

In July 2014, the Lord Mayor announced a \$9 million package of public artworks for Sydney including Cloud Arch (estimated to cost \$3.5 million), Pavilion (estimated to cost \$2.5 million) and The Distance of Your Heart. It was expected that works on Pavilion and The Distance of Your Heart would begin in October 2016 and the installation of Cloud Arch would begin in 2017. It was also expected that the development applications for these public art installations were to be lodged by the end of 2015.

According to contracts endorsed by Council in 2014, the City of Sydney has already paid the artists involved in these projects approximately \$130,000 and a further \$73,000 has gone to contractors working on Cloud Arch.

In February 2016, in response to a Question on Notice about development timelines for Cloud Arch, the Lord Mayor said that work was continuing on the implementation of the sculpture and that a development application would be lodged when ready.

1. When does the Lord Mayor expect development applications to be lodged for each of these three city centre public art projects?
2. Why has there been a delay in the submission of the development applications for the three public art projects?

3. To date, how much money has been paid to artists and contractors in preparation of the installation of the three public art projects, broken down by individual installation?
4. If Cloud Arch cannot be installed due to structural issues associated with the planned location above Town Hall Station, will the artwork be pursued for an alternative site or will the artwork be cancelled?
5. Will the installation of Pavilion in Belmore Park result in the loss of any trees?

**Answer by the Lord Mayor**

The DA for the Cloud Arch footings has been lodged and is being assessed. The DA for the arch will be lodged once the footing DA has been finalised and the refined arch design has been completed.

The DA for Distance of Your Heart has been lodged and is being assessed.

The DA for Pavilion has not yet been lodged – the timing is dependent on the light rail project.

The expenditure to date on each of the three public art projects is as follows:

Cloud Arch: \$301,450

Distance of Your Heart: \$50,000

Pavilion: \$111,020

No trees will be lost as a result of the installation of Pavilion in Belmore Park.

**CITY OF SYDNEY FUNDING FOR REDFERN LEGAL CENTRE (S103148)**

**18. By Councillor Forster**

**Question**

How much funding in total has the City of Sydney granted to the Redfern Legal Centre (including value-in-kind) since January 2014, including the grants outlined in this month's Cultural and Community Committee?

Could the Lord Mayor please provide details of each individual grant payment over the period?

**Answer by the Lord Mayor**

Since January 2014, Redfern Legal Centre Ltd has received a total of eight grants and sponsorships from the City of Sydney, with an additional two currently being considered at the Council meeting on 16 May 2016. The eight approved grants have provided a total of \$235,730 in cash and \$923 in value-in-kind. The two grants currently being considered by Council provide a further \$75,000 with no value-in-kind. If approved, these two additional grants would contribute to a total of \$311,653 in cash and value-in-kind that the City of Sydney has provided Redfern Legal Centre since January 2014. The following schedules detail these 10 grants:

**Support provided for Millers Point Social Housing Tenancy Support Service**

<b>Approval</b>	<b>Project Title</b>	<b>Project Description</b>	<b>Cash</b>	<b>Value In Kind</b>
Approved by Council on 7 April 2014  12 months support	Included in the Resolution of Council entitled 'Millers Point Social Housing Support', Council approved funding to support tenant support, advocacy and advice services to public housing tenants impacted by the sale.	N/A	\$100,000	Nil
Approved by Council on 27 April 2015  6 months support	Council approved an extension of the Millers Point tenant support and advocacy services.	N/A	\$50,000	Nil
Approved by Council on 23 November 2015  6 months support	Extension of the Miller's Point Tenancy Services	An extension of services to meet the continued demand for the service from tenants still residing in the area, with an increase in support for residents in more complex circumstances and with more resource intensive needs.	\$50,000	Nil

In accordance with the Council resolution of 7 April 2016, Redfern Legal Centre also accessed the City's community facilities in Millers Point free of charge to meet with clients.

**Community Services Grants**

<b>Approval</b>	<b>Project Title</b>	<b>Project Description</b>	<b>Cash</b>	<b>Value In Kind</b>
Approved by Council on 28 July 2014	Boarders and Lodgers Legal Kit	Updating of Redfern Legal Centre's Boarders and Lodgers Legal Kit so that residents know their rights under new Boarding Houses Act.	\$12,000	Nil
Approved by Council on 28 July 2014	International Students Legal Advice Service: awareness campaign	Promotion to international students, including those at private colleges, of Redfern Legal Centre's free advice service through development of a tailored 'rights kit'	\$3,180	Nil

Approval	Project Title	Project Description	Cash	Value In Kind
		including a series of translated videos and an Avant Card postcard run.		
Approved by Council 18 May 2015	Legal Toolkit for Community Workers	The production of a legal tool kit and a series of workshops which will train community workers to better assist City of Sydney residents with issues such as unpaid fines and debts, rental and housing problems and domestic violence.	\$10,577	Nil

**Matching Grants**

Approval	Project Title	Project Description	Cash	Value In Kind
Approved by Council on 3 November 2014	Aboriginal Medical Legal Partnership	A program in partnership with Royal Prince Alfred Hospital to train staff and promote a legal aid service for local Indigenous patients, their carers and families.	\$9,973	Nil

**Venue Support Grants**

Approval	Project Title	Cash	Value In Kind
Approved by Director, City Life under delegation 15 January 2016	Volunteer and In house training	Nil	Use of Redfern Town Hall to the value of \$923.

**Community Services Grants currently being considered by Council May 2016**

Project Title	Project Description	Cash	Value In Kind
A Legal Compass on Campus	The development of a language specific mobile phone app for international students residing and studying in the City of Sydney to access legal information and resources.	\$25,000	Nil
Extension of the Miller's Point Tenancy Services	An extension of services to meet the continued demand for the service from tenants still residing in the area, with an increase in support for residents in more complex circumstances and with more resource intensive needs.	\$50,000	Nil

**FIG AND WATTLE STREET DEPOT SITE REMEDIATION UPDATE (S103148)**

19. By Councillor Forster

**Question**

On 26 October 2015, Council resolved to progress toward the appointment of an Environment Protection Authority Accredited Site Auditor to advise on and oversee the preparation of a Remediation Action Plan (RAP) that could support a range of future uses, including childcare, education and residential at the Fig and Wattle Street Depot.

A NSW Environmental Protection Authority accredited Site Auditor was to be appointed in December 2015. The auditor's role is to independently peer review the City's environmental consultants' work, including the detailed site assessment reports, the proposed RAP and Environmental Management Plan, for the site.

An indicative timeframe for the completion of this work was June 2016.

Could the Lord Mayor please provide an update as to how these works are progressing and provide further information as to when this work is expected to be completed and released to the public?

**Answer by the Lord Mayor**

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

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

JBS&G has commenced the Human Health and Ecological Risk Assessment (HHERA) and Sampling Analysis and Quality Plan (SAQP). Upon completion of these reports, some assessment works may be required to complete a revised risk assessment and Remediation Action Plan. The accredited site auditor will review and comment on the plans and the draft Remediation Action Plan to enable completion of the final site audit statement and report.

The indicative timeframe for completion of the final site audit statement and site audit report of June 2016 will be delayed to July 2016 to accommodate a request for storage arising from the Light Rail Project. The temporary storage of stone under short-term occupancy licence is in accordance with the Site Plan of Management prepared by JBS&G and endorsed by the EPA.

The City has met and outlined this direction to the Environmental Protection Authority and will ensure the Authority continues to be updated.

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

**LAWRENCE HARGRAVE PARK (S103148)**

20. By Councillor Forster

**Question**

It has come to my attention that an increasing number of homeless people are congregating and sometimes camping in Lawrence Hargrave Park in Potts Point. The park is one of only a handful of off-leash dog parks in the area and some residents have expressed concerns about the park's accessibility as a result.

Is the City aware of these issues and residents' concerns?

Are the City's public space liaison officers engaging with the homeless people residing in this area to assist them to connect with homelessness service providers in the Local Government Area?

**Answer by the Lord Mayor**

Currently, there is one person sleeping in the park regularly, with other people staying on an ad hoc basis for short periods of 1-2 nights. City staff visit the park up to six times per week, linking people sleeping rough with appropriate support. To maintain the amenity and access for all park users, Police are actively patrolling the area to advise that camping in the park is illegal and that tents and other structures will not be permitted.

**MARTIN PLACE SMOKE FREE TRIAL (S103148)**

21. By Councillor Forster

**Question**

On 11 May 2015, the City of Sydney started a 12 month smoke-free trial of Martin Place. When will the final results of this trial become available?

**Answer by the Lord Mayor**

A report on results of the 12 month smoke-free trial of Martin Place, which finished in May, will be submitted for the consideration of Council shortly. In the meantime, the smoke-free requirements throughout Martin Place will continue.

**CREATION OF NEW TREE HABITAT (S103146)**

22. By Councillor Doutney

**Question**

The City is committed to supporting our urban biodiversity, including the 87 indigenous species found within the LGA, as outlined in the City's Urban Ecology Strategic Action Plan. The Urban Ecology Strategic Action Plan states that there are at least three endangered or threatened species living within our LGA and one of the major threats to native fauna is habitat loss.



A technique being pioneered by Greater Sydney Local Land Services is producing new habitat out of dead trees. This technique, which has been demonstrated across Western Sydney, involves creating specialised hollows in trees that are suitable to different species. The dead trees involved are made safe against collapse as part of the process.

1. What action is the City taking to preserve tree habitat for threatened and endangered species?
2. Has the City investigated adopting this technique as part of its park and environment management processes?

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

The City of Sydney is aware of this technique and has already implemented habitat trees in parks. The parks and arboricultural industries have increasingly become aware of the importance of habitat in trees, and their ability to assist in the creation of habitat in urban areas as part of active and healthy ecosystems. The creation of artificial habitat hollows in dead, dying or living trees is developing rapidly within these industries.

The City's Urban Ecology Strategic Action Plan, adopted in March 2014, identified training in best practice biodiversity management techniques as a key action, and this has been provided to existing tree and park maintenance teams. This included an introduction to urban ecology and the creation of habitat for priority species of local conservation significance.

On 23 May 2014, the City hosted a habitat creation workshop at Sydney Park. Professional trainers, from the City's Arboricultural Consultancy Panel, were engaged to deliver the training which reviewed:

- the methodology for the assessment of a tree's habitat potential;
- considerations on the type of habitat required for the different priority species;
- what to consider as 'high value trees' that could be used for habitat enhancement; and
- specific management actions required for 'high value trees'.

Overall, the workshop was a great success in building awareness and knowledge on habitat creation, while also strengthening the relationships with organisations located in or around the City's Local Government Area that also impact on our ability to deliver quality policy outcomes.

As a result of the workshop, two standing dead trees have been retained in Sydney Park to create habitat specifically for microbats. The Tree Management Team and the Parks Services Team have highlighted the need to find other trees that pose a low risk to park users and can be converted to habitat trees. Additionally, approximately 20 logs that have been altered to increase their habitat value, ie, cavities created, have been placed in various parks throughout the LGA, and several habitat logs and a stag have been placed in the island within the wetland at Sydney Park.

**ITEM 11 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS**

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

**ITEM 12 NOTICES OF MOTION****JOHN KAYE MLC (S103137)****1. By Councillor Doutney**

It is resolved that:

- (A) Council note with regret the passing of Member of the NSW Legislative Council, Dr John Kaye, on 2 May 2016;
- (B) Council note during John's 10 years in Parliament he worked with communities across NSW for a more just and sustainable future. John's work had significant impact on public debate and political outcomes in a number of areas:
  - (i) first and foremost, John was a passionate champion for our public education system. He was appalled by the inequity of resources between the public and private systems and campaigned to change the funding structure that supported this unfairness. Importantly, he opposed the sale of public education lands in urban areas and was outspoken about the need to make quality public education accessible for all, especially those of us threatened by the shortfall here in the inner city. John recognised TAFE as a critical institution to the success and wellbeing of our communities. He fought the erosion of TAFE and the privatisation of VET training which has been introduced by successive governments;
  - (ii) as a former UNSW lecturer in sustainable energy, John was an early advocate for a managed transition from fossil fuels to renewable energy. He campaigned against the expansion of coal fire power in NSW and led a strong public debate for the social, environmental and economic advantages of renewables;
  - (iii) his work against corruption and corporate donations has exposed undeclared financial arrangements between politicians and corporations; and
  - (iv) as an animal rights advocate, John has exposed the false labelling of free range eggs. He has campaigned against changes to consumer regulation which would see chickens face increasingly cruel conditions and advocated for an end to the savagery of the greyhound racing industry;
- (C) the Council chamber stand for one minute's silence to honour the life and work of Dr John Kaye; and
- (D) the Lord Mayor write to John's partner Lynne expressing the City's condolences.

Note - At the meeting of Council, this Notice of Motion was not considered, the matter raised in it having been dealt with at an earlier stage of the meeting in Item 3.1.

**AUDIO DESCRIPTION OF CITY OF SYDNEY VIDEO CONTENT (S103138)****2. Moved by Councillor Vithoukias, seconded by Councillor Green -**

It is resolved that:

- (A) Council note:

- (i) the City of Sydney's Inclusion (Disability) Action Plan 2014-2017 sets out a vision where: the city is accessible and inclusive for everyone, all visitors to the City of Sydney are welcome, everyone can work and live in the city, City information is accessible for everyone, everyone can have a say and city life is accessible and inclusive for everyone;
  - (ii) under the Web Accessibility National Transition Strategy, the City of Sydney is required to ensure that its website complies with the Web Content Accessibility Guidelines (WCAG 2.0). Under these guidelines, all information on the website must be accessible and usable for people of all abilities, including older people as well as people with visual, hearing, cognitive or motor impairments;
  - (iii) video is increasingly being used to share messages and information with the Local Government Area and wider audiences. During April 2016, socialmedianews.com.au reported that unique average You Tube views for Australian audiences had reached 14,250,000;
  - (iv) the City of Sydney currently has a You Tube channel that contains a number of videos, with the most recent video titled Sydney Chinese New Year Festival 2016. The channel also has over 3,000 subscribers;
  - (v) audio description is the auditory narration of visual representations such as television programs, films and performances, during gaps in dialogue, it describes visual elements such as scenes, settings, actions and costumes; and
  - (vi) audio description of video content enables people who are blind or vision impaired to experience video presentations; and
- (B) the Chief Executive Officer be requested to:
- (i) work with staff and the Inclusion Advisory Panel to ensure that future videos produced by the City of Sydney are available with audio description; and
  - (ii) report back to Council via CEO update on the development of this initiative.

Variation. At the request of Councillor Green, and by consent, the motion was varied by the deletion of clause (B) and the substitution of the following new clause (B):

- (B) the Chief Executive Officer be requested to:
- (i) work with staff, the Inclusion Advisory Panel and Vision Australia to develop a framework to determine when audio description is required and prepare guidelines on how audio description is to be delivered;
  - (ii) audit existing videos, evaluate the City's process for commissioning video, and delivering videos online; and
  - (iii) report back to Council via CEO Update on the development of this initiative.

Variation. At the request of Councillor Scott, and by consent, the motion was further varied by the addition in the first line of clause (B)(i) of the words “and Media Access Australia” after the word “Australia”.

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

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

It is resolved that:

(A) Council note:

- (i) the City of Sydney’s Inclusion (Disability) Action Plan 2014-2017 sets out a vision where: the city is accessible and inclusive for everyone, all visitors to the City of Sydney are welcome, everyone can work and live in the city, City information is accessible for everyone, everyone can have a say and city life is accessible and inclusive for everyone;
- (ii) under the Web Accessibility National Transition Strategy, the City of Sydney is required to ensure that its website complies with the Web Content Accessibility Guidelines (WCAG 2.0). Under these guidelines, all information on the website must be accessible and usable for people of all abilities, including older people as well as people with visual, hearing, cognitive or motor impairments;
- (iii) video is increasingly being used to share messages and information with the Local Government Area and wider audiences. During April 2016, socialmedianews.com.au reported that unique average You Tube views for Australian audiences had reached 14,250,000;
- (iv) the City of Sydney currently has a You Tube channel that contains a number of videos, with the most recent video titled Sydney Chinese New Year Festival 2016. The channel also has over 3,000 subscribers;
- (v) audio description is the auditory narration of visual representations such as television programs, films and performances, during gaps in dialogue, it describes visual elements such as scenes, settings, actions and costumes; and
- (vi) audio description of video content enables people who are blind or vision impaired to experience video presentations; and

(B) the Chief Executive Officer be requested to:

- (i) work with staff, the Inclusion Advisory Panel and Vision Australia and Media Access Australia to develop a framework to determine when audio description is required and prepare guidelines on how audio description is to be delivered;
- (ii) audit existing videos, evaluate the City’s process for commissioning video, and delivering videos online; and
- (iii) report back to Council via CEO Update on the development of this initiative.

### **DECLARATION OF RESIDENTS BACKYARD AS PUBLIC ROAD (S103132)**

3. By Councillor Mandla -

Note - This matter was dealt with an earlier stage of the meeting (see page 617).

### **CHARITY PARKING PERMITS (S103139)**

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

It is resolved that:

(A Council note:

- (i) in May 2014, Council endorsed the Neighbourhood Parking Policy and, as of mid-2015, the majority of the changes introduced under the policy had been completed;
- (ii) the policy separates annual street parking permits into four general categories:
  - (a) Resident Parking Permits;
  - (b) Visitor Parking Permits;
  - (c) Business Parking Permits; and
  - (d) Care Worker Permits;
- (iii) although these categories cater to the vast majority of residents, businesses and visitors to the city, there are still a small number of special cases where not-for-profit charitable organisations are unable to obtain one of these parking permits to enable them to conduct their work in the community; and

(B) the Chief Executive Officer be requested to:

- (i) investigate the possibility of modifying the City's Neighbourhood Parking Policy to include a permit category under which not-for-profit charitable organisations, which are shown to be actively working within the community, could be assessed on a case-by-case basis for eligibility to be granted an annual street parking permit; and
- (ii) report back to Council via the CEO Update on the results of that investigation.

Variation. At the request of Councillor Kok, and by consent, the motion was varied such that it read as follows:

It is resolved that:

(A Council note:

- (i) in May 2014, Council endorsed the Neighbourhood Parking Policy and, as of mid-2015, the majority of the changes introduced under the Policy had been completed;
- (ii) the Policy separates annual street parking permits into four general categories:

- (a) Resident Parking Permits;
  - (b) Visitor Parking Permits;
  - (c) Business Parking Permits; and
  - (d) Care Worker Permits;
- (iii) charities are currently able to apply for a permit where application of the Policy would result in prolonged or unreasonable hardship to the charity. For example, Pymont Cares has recently been provided a business parking permit for a truck whose size would otherwise make the vehicle ineligible; and
- (B) the Chief Executive Officer be requested to:
- (i) investigate if the City's Neighbourhood Parking Policy should be modified to include a permit category under which not-for-profit organisations which are shown to be actively working within the community could be assessed on a case-by-case basis for eligibility to be granted an annual street parking permit; and
  - (ii) report back to Council via the CEO Update on the results of that investigation.

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

#### **LIMITED MULTIDAY VISITOR PARKING PERMITS STUDY (S103133)**

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

It is resolved that Council:

- (A) note the implementation of the City's new Neighbourhood Parking Policy which will abolish annual visitor parking permits and introduce a limited number of daily visitor parking permits effective 12 May 2016; and
- (B) authorise the City to undertake a study into the possibility of creating a limited number of multi-day visitor parking permits, determined on the basis of need.

Variation. At the request of Councillor Mant, and by consent, the motion was varied, such that it read as follows:

It is resolved that Council:

- (A) note the implementation of the City's new Neighbourhood Parking Policy (unanimously supported by Councillors), which replaced annual visitor parking permits with an allocation of daily visitor parking permits depending on the number of resident parking permits effective 13 May 2016;
- (B) note that, prior to the implementation of the new Neighbourhood Parking Policy, only Glebe, Ultimo and Millers Point had annual visitor permits;

- (C) note a uniform visitor and business permit system which can be used consistently across the City area has been implemented, and any proposals for additional permits need to be considered in the context of very high parking demand alongside other changes to the Neighbourhood Parking Policy; and
- (D) agree that the adequacy and impact of the new visitor permit arrangements should be considered once there is sufficient time to evaluate their impacts in the context of the review of the Neighbourhood Parking Policy.

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

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

6. By Councillor Scott -

It is resolved that Council:

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

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

### **OBTAINING LEGAL ADVICE IN RELATION TO THE WESTCONNEX (S103133)**

7. By Councillor Scott

It is resolved that Council:

- (A) note:
  - (i) over 13,000 submissions to the NSW Department of Planning from the community raising concerns about WestConnex;
  - (ii) the planning approval has been granted to the second major tunnel section of WestConnex, which will run between the existing M5 East at Kingsgrove and a giant spaghetti-junction interchange at St Peters;
  - (iii) the conditions to which the approval is subject, in particular Condition B.43, which states that the project, "on balance, be designed to improve traffic by not adversely impacting on the performance of the road network for all road users, including but not limited to vehicles, freight, public transport and active transport"; and



- (iv) note that the question of whether or not WestConnex will not adversely impact on the performance of the road network for all road users needs to be urgently legally determined;
- (B) authorise the Chief Executive Officer (CEO) to expend up to \$20,000 sourced from the General Contingency briefing legal Counsel to determine the possibility of a case against WestConnex;
- (C) request the CEO to report back to Councillors via a CEO Update as soon as possible; and
- (D) request the CEO to write to affected Council General Managers to request that Councils consider participating in joint legal action.

Note - At the meeting of Council, Councillor Scott withdrew her Notice of Motion, the matters raised in it having been dealt with at an earlier stage of the meeting in Item 3.2.

### **PROTECTING THE CITY'S PARKS FROM WESTCONNEX (S103133)**

8. By Councillor Scott

It is resolved that Council:

- (A) note:
  - (i) a recent notice of survey area issued by WestConnex Delivery Authority; and
  - (ii) that the survey area encompasses several parks in and around Glebe;
- (B) strongly oppose any encroachment on to any City green spaces; and
- (C) write to the State Government requesting it commit to ensuring the protection of these green spaces.

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

### **MARKETS POLICY (S103133)**

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

It is resolved that:

- (A) Council note:
  - (i) the City's Markets Policy was adopted on 29 June 2015;
  - (ii) recent market-style events have not come under the Markets Policy assessment framework;
  - (iii) the need to ensure all markets in the City are operating on an equitable basis; and
  - (iv) the Policy is not due to for review until June 2018; and

- (B) in light of recent community and local business concerns about a range of unforeseen outcomes arising from the implementation of the Markets Policy, the Chief Executive Officer be requested to review the Markets Policy, and return with any proposed amendments to the Policy by the end of 2016.

Variation. At the request of the Chair (the Lord Mayor), and by consent, the motion was varied by the deletion of clause (B) and the substitution of the following new clause (B):

- (B) in light of recent community and local business concerns about a range of unforeseen outcomes arising from the implementation of the Markets Policy, the Chief Executive Officer be requested to consider whether an amendment to the Markets Policy is needed and report back to Council via the CEO Update.

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

### **CENTRAL TO EVELEIGH REDEVELOPMENT (\$103133)**

**10.** Moved by Councillor Scott -

It is resolved that Council:

- (A) note:
- (i) the significant increase in resident and visitor populations predicted for the Central to Eveleigh precinct; and
  - (ii) the continuing uncertainty surrounding UrbanGrowth's development plans for the area; and
- (B) request the Chief Executive Officer to:
- (i) investigate the possibility of installing City wayfinding information and better lighting between Redfern Station and Carriageworks;
  - (ii) seek to work with Carriageworks and the State Government to investigate integrated ticketing for cultural and other events at the Central to Eveleigh precinct and a shared approach to arts and cultural services between the City, Carriageworks and UrbanGrowth; and
  - (iii) write to the CEO of UrbanGrowth and Transport for NSW expressing Council's strong support for:
    - (a) better pedestrian links through the Central to Eveleigh site, in particular, a pedestrian link from Redfern Station to Carriageworks and a bridge from ATP to Carriageworks; and
    - (b) working collaboratively on a plan for affordable housing dwellings in the North Eveleigh precinct.

The motion lapsed for want of a seconder.

At 9.20pm the meeting concluded.

Chair of a meeting of the Council of the City  
of Sydney held on 27 June 2016 at which  
meeting the signature herein was subscribed.