

219TH Meeting

**Erskineville Town Hall
Erskineville**

Wednesday, 9 December 1998

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.43 pm on Wednesday, 9 December 1998.

PRESENT

His Worship, The Mayor, Councillor Vic Smith (Chairperson)

Councillors - John Bush, Margaret Deftereos, Sonia Fenton, John Fowler,
Christine Harcourt, Jill Lay, Sean Macken, Greg Waters.

INDEX TO MINUTES

Subject	Page No.
Confirmation of Minutes	1496
Minutes by the Mayor	1496
Minutes by the General Manager	1502
Petitions	1504
Questions Without Notice	1504
Report of Finance Committee	1510
Report of Community Services Committee	1522
Report of Planning and Development Committee	1528

GENERAL MANAGER

The Mayor welcomed all present to the last Council meeting for the year and made a special welcome to Bill and Rosemary Harrison, parents of Council's Director of Planning and Building, James Harrison, who are visiting Australia from Somerset, England.

Confirmation of Minutes

Moved by Councillor Harcourt, seconded by Councillor Macken:-

That the minutes of the Ordinary Meeting of Council of 25 November 1998, be taken as read and confirmed.

Carried.

MINUTE BY THE MAYOR

1 December 1998

PUBLIC RELATIONS - ANTA AWARD TO SOUTH SYDNEY CITY COUNCIL "EMPLOYER OF THE YEAR" (2019530)

On 12 November 1998, Council's Training Manager, Don Mould accepted on behalf of Council an award from the Australian National Training Authority for 'Employer of the Year' (Public Administration).

The award was presented at the 1998 Australian Training Awards in Perth, Western Australia.

With the changing face of Local Government, increased pressure to perform is being placed on Councils and their employees.

To keep pace with change, more than 1500 people training days were conducted for on and off the job training by South Sydney City Council.

In the words of the Chairman of ANTA, Stuart Hornery AO, the finalists in each award category "showcased the best of Australia's enterprises, training providers and students - those who are leading Australia's bid to be recognised world-wide as having a highly competitive and highly skilled workforce."

Recommendation:

- (1) That Council acknowledge receipt of this award;

GENERAL MANAGER

- (2) This recognition of the time and effort by management and staff in attaining the award is appropriate and the skills and knowledge gained by staff can only serve to further benefit the South Sydney community.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Lay, seconded by Councillor Macken:-

That the minute by the Mayor, be approved and adopted.

Carried.

At this stage the Mayor presented the award to the Director of Organisational Development who thanked Council and accepted the award on behalf of his staff.

MINUTE BY THE MAYOR

8 December 1998

DONATIONS - ZETLAND COMMUNITY ACTION GROUP (ZCAG INC) - COMMUNITY CHRISTMAS PARTY (5277123)

Zetland Community Action Group (ZCAG Inc) has written to Council requesting assistance with its Community Christmas Celebration to be held in Mary O'Brien Reserve, Corner of Tilford Street and Joynton Avenue on Saturday, 19 December 1998 at 5.00 pm.

ZCAG will be inviting all residents of Zetland and Beaconsfield to the community Christmas celebration.

ZCAG has requested Council make available the following equipment to ensure the event is successful:

- portaloos;
- 50 chairs;
- 3 trestle tables;
- gas BBQ with cylinder;
- 2 new black recycling bins in which to store drinks; and
- 1 set of recycling bins.

ZCAG has requested that the equipment be delivered on Saturday, 19 December at 3.00 pm and be taken away on Monday, 21 December 1998.

GENERAL MANAGER

Recommendation:

That Council agree to provide an in kind donation of up to \$500 for labour and the loan of 50 chairs, three trestle tables, a gas BBQ with cylinder, two new black recycling bins, one set of recycling bins and the hire of a portaloos under Section 356 of the Local Government Act (1993) to Zetland Community Action Group (ZCAG Inc) to assist with ZCAG's Community Christmas Celebration to be held in Mary O'Brien Reserve, Corner of Tilford Street and Joynton Avenue on Saturday, 19 December 1998 at 5.00 pm and that such an amount be added to the 1998/99 Budget Estimates.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Macken, seconded by Councillor Lay:-

That the minute by the Mayor, be approved and adopted.

Carried.

At the request of Councillor Bush, the Mayor directed that a loan of a sound system by Council be also included in the donation to the organisation.

At the request of Councillor Fenton, the Mayor directed that ZCAG be notified on the process of obtaining a donation by groups or organisations under Council's donations policy.

MINUTE BY THE MAYOR

8 December 1998

**CELEBRATIONS - 1998 ANNUAL LOCAL GOVERNMENT TOUCH
FOOTBALL CARNIVAL - RECEPTION, 12 FEBRUARY 1999 (2008932)**

On Sunday 18 October 1998, South Sydney Council participated in the Local Government Touch Football Carnival at Carss Park, Kogarah. Over 30 Council's from across NSW entered the competition and I am proud to inform Council that our Men's A Grade Team and Mixed Side won their respective divisions on the day.

The Men's A Grade side were successful in defeating Botany 3 - 0 and the Mixed side defeated Fairfield, 2-1 in extra time.

South Sydney Council's Men's A Grade Side have now won the Parkes Touch Football and Local Government Touch Football Competitions a combined total of five times over the last five years.

GENERAL MANAGER

Recommendation:

That approval be given to Council hosting a reception for all players and officials on Friday 12 February 1999, at Erskineville Town Hall in recognition of South Sydney Council Touch Football victories in Parkes and Kogarah in 1998, for which funds are available in the 1998/99 Revenue Estimates (EBC 7CAT).

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the minute by the Mayor, be approved and adopted.

Carried.

MINUTE BY THE MAYOR

9 December 1998

**PUBLIC RELATIONS - "SAVE OUR POST OFFICES - RE-OPEN
WATERLOO NOW" CAMPAIGN (2020241)**

This morning at 9.00, I attended a community organised demonstration at Redfern Post Office to highlight the problem of bank and post office closures in the area. As a result, a further public meeting has been called for Wednesday, 16 December at the Waterloo Neighbourhood Centre at 10am. Invitations to State and Federal Members, Police Department, Australia Post and Council are being arranged at this moment.

Today's rally also requested Council's support in the "Save Our Post Offices – Reopen Waterloo Now" campaign, by providing; three street banners, to be located in Redfern Park, and close proximity to Redfern Post Office and Waterloo Post Office; in house printing and a sound system for the public meeting on Wednesday, 16 December 1998.

With the Christmas and New Year holiday period approaching and the usual hot weather that accompanies the season, the hundred or so seniors who are now forced to collect their pensions at Redfern are concerned for their health and safety.

Of further concern to the community is that rumours continue to circulate that Australia Post intends to keep the Waterloo Post Office closed permanently. I understand that local businesses and people with post offices boxes are being attended to at the rear of the building, but that the front counter service has not yet re-opened.

GENERAL MANAGER

Recommendation:

That Council assist the Waterloo and Redfern community in their "Save Our Post Offices – Re-open Waterloo Now" campaign, by providing banners, sound equipment and printing, involving the expenditure of \$2,000, for which funds are available in the 1998/99 Public Meeting Budget (EBN 44HO).

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Macken:-

That the minute by the Mayor, be approved and adopted.

Carried.

At the request of Councillor Fenton, the Mayor requested that a report be prepared by the Director of Finance for the Councillors Information Service on the establishment of Local Government Banking System.

MINUTE BY THE MAYOR

7 December 1998

**DONATIONS - NEWTOWN NEIGHBOURHOOD CENTRE -
FINANCIAL ASSISTANCE (D53-00224)**

Newtown Neighbourhood Centre has asked Council to provide some emergency assistance in respect to an extraordinary financial crisis which the service is currently facing.

Newtown Neighbourhood Centre has been operating for over 20 years, providing an extensive range of services to residents within both Marrickville and South Sydney LGA's, and in the process making a major contribution to the social capital of the area.

Whilst both Marrickville and South Sydney Council provide financial assistance and in kind support to the Centre on a regular basis, the State Government is the major funder of the service with the Ageing and Disability Department and the Department of Community Services providing recurrent program funds.

The Centre currently runs four Home and Community Care programs which provide services for the frail aged and people with disabilities. The programs include the

GENERAL MANAGER

Shopping Service, Yugoslav Neighbour Aid, Greek Neighbour Aid, and the Boarding House Project.

In addition to these the Centre currently provides a comprehensive information and referral service, a drug and alcohol advice and referral service, Centrelink outreach, English conversation class, and makes meeting space available to over 30 self help and community groups ranging from Narcotics Anonymous to Residents for Reconciliation. In addition to this the Centre runs the annual Newtown Festival which showcases local artists in the month leading up to the Newtown Fair.

A number of factors have contributed to the financial crisis which the Centre is currently facing, including the fact that some programs have been making a loss for some time. Under new management the proposal is that some of these programs be abandoned, however in the short term the Centre requires an injection of some \$30,000 before the end of this calendar year to be able to continue operating next year.

With these funds the Centre would be able to start the new year in a viable financial situation. Without them, it seems inevitable that the Centre would have to close within the next month or so.

To assist with this dire situation the Centre has approached both State Government Departments (ADD and DCS) for these funds, and are hopeful that some assistance will be forthcoming.

However in acknowledgement of the important services which this Centre makes available to residents of South Sydney I am proposing that Council makes a one off donation of \$5,000 to the Centre to assist them out of their current difficulties, and also sets aside a contingency fund of up to \$10,000 in the event that adequate emergency assistance is not immediately forthcoming from the State Government.

It is recommended that Council approve the allocation of a one off donation of \$5,000 to the Newtown Neighbourhood Centre, and up to \$10,000 in contingency funds, to ensure that Centre is able to continue providing services to South Sydney residents in the Newtown area.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Lay, seconded by Councillor Macken:-

That the minute by the Mayor, be approved and adopted.

Carried.

MINUTE BY THE GENERAL MANAGER

9 December 1998

**LEGAL - SOUTH SYDNEY BULLETIN - ARTICLE 12 AUGUST 1998 -
DEFAMATION PROCEEDINGS (5099054)**

At its meeting of 18th September, 1998 Council adopted the following recommendation in a minute by the Acting General Manager dated 18th September:

That Council's Solicitor be instructed to commence proceedings on behalf of Councillor Harcourt against the Editor, and Bulletin Newspaper Pty. Ltd., as publishers, and that Council indemnify Councillor Harcourt in respect of all costs associated with the action.

This action was taken after no apology was forthcoming from the *South Sydney Bulletin* as requested by Council's Solicitors in August.

An apology has now appeared on the front page of the *South Sydney Bulletin* Wednesday, 2nd December, 1998. Council's Solicitors have advised that the intent of this apology has adequately addressed the issue of causing offence to Councillors and Council.

Recommendation:

That Council accept the apology from the Editor and Publisher of the *South Sydney Bulletin*, Alex Clulow, and that legal proceedings against the *Bulletin* be discontinued.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Macken, seconded by Councillor Lay:-

That the minute by the General Manager, be approved and adopted.

Carried.

GENERAL MANAGER

MINUTE BY THE GENERAL MANAGER

9 December 1998

**FINANCE - ACCOUNTS - SUNDRY ACCOUNTS OUTSTANDING
HARRY M MILLER & COMPANY MANAGEMENT PTY LIMITED (2017372)**

Harry M. Miller & Company Management Pty Limited by written agreement hired Paddington Town Hall from 13 April to 27 April 1997.

A dispute later arose between the company and Council as to unpaid rentals and telephone accounts and damage to a table. The amount of this dispute totalled \$7,260.

In January 1998 we issued a Local Court Claim for this amount and it was served on 23 January 1998. Further correspondence and phone calls were exchanged without receiving any payment.

Judgment was entered in May 1998 against the company.

Council at its meeting on 29 July 1998 resolved to refer the matter to Pike Pike & Fenwick.

As a result of this, agreement has been reached and a Deed of Release duly executed. An amount of \$3,630 was accepted in full settlement of Council's claim.

Court costs of \$730 were incurred and will need to be written off. The total amount of the write off is \$4,360

Provision was made at the end of June 1998 to treat this matter as a bad debt.

RECOMMENDATION:

That approval be granted to write off a total amount of \$4,360 due by Harry M. Miller & Company Management Pty Limited, as a bad and irrecoverable debt.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Deftereos:-

That the minute by the General Manager, be approved and adopted.

Carried.

GENERAL MANAGER

PETITIONS

1. The Mayor tabled a petition received by the General Manager with approximately 215 signatures appended from residents of and travellers using Fowler Street, Mallett Street and various other streets in that area of Camperdown, requesting the installation of Traffic Management Facilities, to make the Streets safer.

Received.

2. The Mayor tabled a petition received by the General Manager with approximately 21 signatures appended from proprietors of businesses in King Street, Newtown, complaining about the "Reclaim the Street" party/march which took place on 31 October 1998.

Received.

3. The Mayor tabled a petition received at the Special Planning and Development Committee Meeting on 8 December 1998, by the Mayor with approximately 27 signatures appended objecting to the proposed adoption of the Proposed Master Plan for The Meritons (Former ACI site) Nos. 807-851 South Dowling Street (AKA 782-822 Bourke Street) Waterloo and the Proposed Master Plan for Victoria Park, (Former Navy Site) Nos. 52-112, Joynton Avenue, Zetland, as industrial developments will not be possible in the future and the loss of jobs.

Received.

QUESTIONS WITHOUT NOTICE

1. **STREETS - ALCOHOL-FREE ZONES - NEWTOWN RAILWAY STATION - VICINITY - PROPOSAL - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2012385)**

Question:

Council staff provided me with an update of a proposed Alcohol Free Zone behind Newtown Station and I'm not sure what happened to it?

GENERAL MANAGER

Answer by the Mayor:

I will ask the Director of Corporate Services to have a report prepared for the Councillors Information Service.

2.

SPORTS - VICTORIA PARK SWIMMING POOL CAFÉ - ABORIGINAL ART WORK INSTALLATION - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (S54-00144)

Question:

Victoria Park Pool and its Café is proving very popular with residents. I understand that some of the patrons are local Aboriginal people who have a historical association with Victoria Park. Would Council staff investigate the possibility of installing an appropriate art work in the Café to recognise this historical association and acknowledge the Aboriginal presence in the area?

Answer by the Mayor:

I will ask the Director of Health and Community Services and the Director of Public Works and Services to liaise on that question and have a report prepared for Council's Committee.

3.

STREETS - RAMPS - KING STREET, NEWTOWN BETWEEN MISSENDEN ROAD AND QUEEN STREET, AND REDFERN STREET, REDFERN AT RENWICK STREET - RECTIFICATION - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2001803)

Question:

Could Council's Department of Public Works and Services please investigate the tram ramp in King Street, Newtown particularly the northern end between Missenden Road and Queen Street, and Redfern Street, Redfern including the Renwick Street intersection to ensure that:-

- (1) They exit at all intersection;
- (2) They are fully wheelchair accessible in particular that they are flush at the gutter and that the ramp gradient is suitable.

If any problems are identified could those be rectified as soon as possible?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate that matter urgently and carry out any action that is deemed necessary and have a report prepared for the Councillors Information Service.

4.

STREETS - STATUS - BARTLEY STREET, CHIPPENDALE - GATING OF OLD NIGHT SOIL LANE AT REAR - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2016124)

Question:

Residents of Bartley Street, Chippendale have contacted me regarding the possible gating of the old night soil lane running at the rear of their houses. Could the Director of Public Works and Services please prepare a report identifying what options are available to Council? I include a copy of their letter.

Answer by the Mayor:

I will have a report prepared for the first committee in 1999.

5.

PROPERTY FILE - POATE ROAD, CENTENNIAL PARK - REPAIRS TO SHOWGROUND WALL - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2006102)

Question:

Resident in Poate Road has written to the Centennial Parklands complaining about the shoddy repairs to the showground wall in Poate Road. The reply suggested that residents take up the matter with South Sydney Council as the wall to the Showground perimeter, has heritage significance and was addressed by Council as part of the South Sydney Council Development consent for the Fox Studio. As there is a SEPP over the site. Can Council take up the issue for the resident and circulate the answer in the Councillors Information Service?

Answer by Mr. Harrison:

It is really a matter for the writer to take up with the Department of Urban Affairs and Planning. Council had no input into the approval but we can certainly forward that letter.

6.

TRAFFIC - EASTERN DISTRIBUTOR - LIVERPOOL STREET AT HARGRAVE STREET, DARLINGHURST - PROPOSED CLOSURE - EXTENSION OF SUBMISSION CLOSING DATE - NOTIFICATION - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (T02-00172)

Question:

Some resident in East Sydney have complained that they were not notified about the LAIP proposal to close Liverpool Street at Hargrave Street. They are particularly concerned that submissions close today 9 December 1998, I believe that the date has been extended till 8 January 1999.

Can Council ask the Consultants conducting the LAIP proposal to re-notify the East Sydney area once to place an advertisement advising the community of the extended date of closure.

Answer by the Mayor:

I will ask the Director of Public Works and Services to take that matter up with Council's Project Officer for the Eastern Distributor and to consult with Leightons.

7.

PLANNING - GREEN SQUARE MASTERPLAN - WATER BOARD SITE AT CORNER OF BOURKE ROAD AND MCEVOY STREET, ZONING - INCOMPLETE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2016145)

Question:

It has been brought to my attention that all zoning information in the Green Square Masterplan that refers to the Water Board site at the corner of Bourke Road and McEvoy Street is incomplete. Government owned land has been distinctly identified as such with the exception of this land.

Can the Director please rectify this oversight?

Answer by Mr. Harrison:

I am not aware of an oversight but I will certainly investigate that matter and have a report prepared for the Councillors Information Service.

8.

FINANCE - OPTUS VISION - REMUNERATION TO COUNCIL FOR OVERHEAD CABLING - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2019719)

Question:

An agreement between Council and Optus vision was that they were to pay a levy per pole for the carrying of overhead cable?

Has South Sydney Council been remunerated by Optus Vision?

Answer by the General Manager

I would have to investigate that matter.

9.

DEVELOPMENT - APPLICATION MATTERS - TELEVISION INTERACTION SCREENS - INSTALLATION - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2020105)

Question:

Sydney City Council has installed large TV interaction screens within the city.

City Council has a Development Application lodged at present. Could the Director of Planning pre-empt any possible locations within South Sydney Council so that we can develop a policy to deal with application using such technology?

Answer by the Mayor:

I will have a report prepared for the next committee in 1999.

10.

PUBLIC RELATIONS - STATE SEAT OF Blich - LAND TAX - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2020104)

Question:

Mr. Mayor. As the Labor party pre-selection candidate for the seat of Blich are you going to make a statement condemning land tax or will you continue to support this heinous Labor Tax?

Answer by the Mayor:

My policies and other matters relating to my candidature for Blich will be well known as hopefully yours will be if you are successful in obtaining the Liberal

GENERAL MANAGER

Party endorsement for the seat of Bligh. I understand that you are a nominee for the Liberal Party for that seat and if you are successful I am happy to talk to you at some other time.

11.

PUBLIC RELATIONS - STATE SEAT OF BЛИGH - STATE MATTERS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2020104)

Question:

I would like to congratulate the Mayor on his selection as the Labor candidate for the seat of Bligh in the State elections in March.

I ask for your guarantee that if elected you will concentrate not on Local Government matters but on state matters, such as transport policy, roads hospital and school.

Answer by the Mayor:

In response, I will be there to serve the electorate and I will be doing what they ask me to do and if I am elected then I will be non-factional to the Labor caucus so that I will deliver to the community of South Sydney and to the electorate of Bligh.

12.

DEVELOPMENT APPLICATION - VICTORIA STREET, NO. 38, "OVERTHORPE", POTTS POINT - PROPOSED DEMOLITION - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (U98-00954)

Question:

I refer to an application to the Heritage Council for an Interim Conservation Order to safeguard against the proposed demolition of Overthorpe at No.38, Victoria Street, Potts Point supported by the National Trust by letter dated 29 October 1998.

While noted in the LEP 1998, as an item of environmental significance by Council there is considerable concern by residents and heritage groups that this building is proposed to be demolished by the owner.

Will the Director take the necessary steps to ensure this valuable (1877) and unique (weatherboard with widows walk) building will be maintained and that the assessment of Development Application 0954/98 reflect Council's public announcements on retaining weatherboard/timber Victorian and Federation dwellings?

Answer by the Mayor:

This matter is currently under investigation by the Director. I did receive that same letter and it is being dealt with at this point in time.

13.

DEVELOPMENT - APPLICATION MATTERS - DELAYS IN PROCESSING - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2020130)

Question:

Residential Development Applications were noted in Sydney Morning Herald dated 7.12.98 as taking 43.25 days. Many applications for major developers are very efficiently processed. Yet I am informed of numerous Development Applications for owner/occupier that are taking 6 months where there are a few or no objections, 0461/98 lodged 25.5.98 is an example.

Can the Director perhaps cast his eyes occasionally north of Green Square which seems to be taking, in my opinion most of his attention?

Answer by the Mayor:

I think the last statement is out of order. The Director's time is not taken up all on Green Square. Those figures in the Herald are three years old. Were you aware of that? You know what the updated figures are and I am sure we can provide them for you.

REPORT OF THE FINANCE COMMITTEE

2 December, 1998

PRESENT

Councillor Sean Macken (Chairperson)

Councillors – Margaret Deftereos, Sonia Fenton and Greg Waters

At the commencement of business at 6.36 pm those present were:-

Councillors - Deftereos, Fenton, Macken and Waters.

Moved by the Chairperson (Councillor Macken), seconded by Councillor Fenton:-

That the Report of the Finance Committee of its meeting of 2 December 1998, be received and the recommendations set out below for Items 1 to 10, inclusive, 12 to 19 inclusive, 21, 23 and 24 be adopted. The recommendations

GENERAL MANAGER

set out below for Items 11, 20, 22 and 25 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

FINANCE - ACCOUNTS - INVESTMENTS - MONTHLY REPORT - PERIOD ENDING 30 OCTOBER 1998, (2015594)

That the Investment Report by the Director of Finance dated 17 November 1998, be received and noted.

Carried.

2.

LEASING - WILLIAM STREET NOS. 101-111, EAST SYDNEY - LEASE TO YORK MOTORS (SALES) PTY. LTD. (L02-00118)

That approval be granted to York Motors (Sales) Pty Limited being given a 4 year lease with 3 x 4 year Option periods of Council premises, Nos.101-111 William Street, East Sydney, from 1 December, 1998, subject to the terms and conditions of the existing Lease and the following conditions:-

Commencement Date	1 December 1998
Proposed Term Certain	4 years
Rent years 1-4	\$ 353,248 p.a. net
Option	3 x 4 year periods
Rent Review	Review to Market at the commencement of each Option period, with 3% annual reviews during the Option periods.

(DCS Report 13.11.98)

Carried.

3.

FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - OCTOBER 1998 (2019545)

That arising from the report of the Director of Finance dated 10 November 1998, approval be given to the confirmation of the payment of the accounts totalling \$13,733,653.34 as detailed in the Summary of Warrants for the Month of October, accompanying the report.

Carried.

GENERAL MANAGER

4.

**FINANCE - AMENDED FEES & CHARGES - PLANNING & BUILDING
DEPARTMENT FOR THE FINANCIAL PERIOD 1 JULY 1998, TO 30 JUNE
1999 (B53-00009)**

That arising from consideration of a report by the Director of Planning and Building dated 19 November 1998, it be resolved that:-

- (a) the maximum fees permitted under the Environmental Planning and Assessment Act, 1997, as amended, the Environmental Planning and Assessment (Amendment Act 1998), and the Environmental Planning and Assessment (Savings & Transitional) Regulations 1998 Order, together with Council's fees & charges which may be amended from time to time applicable to those matters as set out in the annexure dated 3 November, 1998, accompanying the beforementioned report be adopted by Council;
- (b) the fees and charges adopted in (a) be incorporated into the Fees and Charges Schedule for the financial period 1998/99 and be levied on all applications received from the date of this resolution.

Carried.

5.

**DONATIONS - REQUEST FOR ASSISTANCE WITH LEGAL COSTS -
TENTERFIELD SHIRE COUNCIL (2002870)**

That the report by the Director of Planning and Building dated 26 November 1998, be received and noted.

Carried.

6.

**PROPERTIES - COMMERCIAL AND RESIDENTIAL - QUARTERLY
SUMMARY REPORT - JULY TO SEPTEMBER 1998 - INCOME AND
EXPENDITURE AND PROFITABILITY (P56-00385)**

That the Quarterly Report on Income, Expenditure and Profitability for the period 1 July, 1998 to 30 September, 1998, on Council's Commercial and Residential Properties, be received and noted.

(DCS. Report 25.11.98)

Carried.

7.

LEASING - COUNCIL'S COMMERCIAL PROPERTIES - RENTAL INCREASES - WEEKLY AND MONTHLY TENANCIES (L52-00191)

That approval be given to:-

- (1) the weekly commercial tenancies outlined in Schedule "A" accompanying the Director's report be increased by 5.0% and rounded off to the nearest One Dollar (\$1.00) in Council's favour, as and from Monday, 4 January, 1999;
- (2) the monthly commercial tenancies outlined in Schedule "B" accompanying the Director's report be increased by 5.0% and rounded off to the nearest One Dollar (\$1.00) in Council's favour as and from Friday, 1 January, 1999;
- (3) the Lessees be advised by letter of the rental increases accordingly.

(DCS Report 24.11.98)

Carried.

8.

LICENSING - LIVERPOOL STREET, SHOP 1, NO. 176, DARLINGHURST - PROPOSED FOOTWAY LICENCE (2018682)

That approval be given to:-

- (1) the granting of a licence to Luis Santos over an area of 13 square metres of the footway of Liverpool Street and Yurong Street adjacent to Honeymoon Café at Shop 1, No. 176 Liverpool Street, Darlinghurst as shown stippled on Plan No. S4-130/710A and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;

GENERAL MANAGER

- (6) this approval lapsing 12 months from the date of Council's Approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Director's report or failed to execute the licence agreement.

(DPWS Report 16/11/98)

Carried.

9.

STREETSCAPES - STREETSCAPE MASTERPLAN AND TECHNICAL MANUAL - ACCEPTANCE OF TENDER FROM EXTERNAL CONSULTANTS (2002345)

That arising from consideration of a joint report by the Director of Public Works and Services and the Director of Planning and Building dated 24 November 1998, it be resolved that:-

- (1) Council accept the tender price submitted by Environmental Partnership Pty Ltd for the amount of \$145,000 to prepare the South Sydney Streetscape Masterplan. Funds for this project are available in the current Public Works and Services Account Code CWK9950.66AO;
- (2) Council approve the continuing management of the project by the Urban Villages Taskforce.

Carried.

10.

STREETS - STREET FURNITURE CONTRACT WITH J C DECEAUX - ADDITIONAL STREET FURNITURE (2014501)

(At the Council Meeting, the Mayor declared an interest and did not take part in discussions or voting on the Item.)

NOTE: Councillor Lay was Acting Chairperson during this Item.

That Council staff negotiate with J.C. Deceaux Australia appropriate proposals for installation of alternative Street Furniture advertising items, to Pay Phones, to make up the total advertising contracted panels and that a further report be submitted for Council's consideration where each alternative will be considered on its merits and that the report include all associated cost implications and a further proposition by J. C. Deceaux Australia regarding the appropriate locations for coin operated A.P.T.'s be also included in that report.

Carried.

GENERAL MANAGER

11.

PROPERTIES – CNR ELIZABETH AND ALLEN STREETS, WATERLOO - ALTERATIONS AND ADDITIONS TO EXISTING BUILDING AT WATERLOO OVAL, OCCUPIED BY SOUTH SYDNEY YOUTH SERVICES - REFURBISHMENT - ADDITIONAL FUNDS - VOTING (2006593)

That arising from consideration of a joint report by the Director of Corporate Services and the Director of Health and Community Services dated 27 November, 1998 Council votes an additional allocation of \$24,000 towards the cost of refurbishment works to its premises adjacent to Waterloo Oval, currently occupied by South Sydney Youth Services, subject to the following conditions, namely:-

- (1) That South Sydney Youth Services enters into a 5 year lease agreement with Council for the use of the space, commencing 1 January, 1999, for a (subsidised) rental fee of \$5,000 per annum, payable upfront;
- (2) That the difference between the determined market rental, and the rent actually paid by South Sydney Youth Services, being recorded as a donation to the service from Council under its Subsidised Accommodation Program, and be taken into account when other applications for assistance are made by the service;
- (3) That South Sydney Youth Services allowing reasonable access to the building, by Council and other services for the purpose of providing services to residents in South Sydney, and particularly young people.

At the request of Councillor Macken, and by consent, the motion was amended by the deletion of the whole of the resolution and the insertion in lieu thereof, of the following new resolution, namely:-

That the matter be deferred to the first Finance Committee meeting in 1999.

Motion, as amended by consent, carried.

12.

GOODS AND EQUIPMENT - HIRE OF PLANT AND EQUIPMENT FOR TWO YEAR PERIOD FROM 1 JANUARY 1999 - ACCEPTANCE OF TENDERS (2019130)

That approval be given to accept tenders for the Hire of Plant and Equipment required for a two-year period commencing 1 January 1999 in accordance with the preference order indicated in the schedule accompanying the Director's report.

GENERAL MANAGER

-funds for the hire of plant and equipment are included in Departmental estimates for all relevant programs.

(DPWS Report 24.11.98)

Carried.

13.

COMMUNITY FACILITIES - SURRY HILLS CHILD CARE CENTRE, NO, 443 RILEY STREET, SURRY HILLS - INCREASE IN 1998/99 APPROVED WORKS PROGRAM (2019722)

That arising from consideration of a report by the Director of Health and Community Services dated 25 November 1998 approval be given to an increase in the 1998/99 approved works program budget for the Surry Hills Child Care Centre from \$14,916 to \$20,916, funded by the acceptance of \$6,000 from the Sydney Day Nurseries and Nursery Schools Association

Carried.

14.

ADMINISTRATION - ENERGY AUDIT, ENERGY SMART BUSINESS SCHEME - S.E.D.A. MEMORANDUM OF UNDERSTANDING - PARTICIPATION BY COUNCIL (2008370)

That arising from consideration of a joint report by the Director of Health and Community Services, Director of Corporate Services, Director of Planning and Building and the Director of Public Works and Services dated 26 November 1998, approval being given to:-

- (1) Council being a signatory to the Memorandum of Understanding between the Sustainable Energy Development Authority and South Sydney City Council in order to participate in the Energy Smart Business scheme;
- (2) the formation of a steering committee between the Health and Community Services, Public Works and Services, Planning and Building and Corporate Services Departments to oversee the project;
- (3) the Corporate Services Department being the principal contact as referred to in the aforementioned Memorandum of Understanding.

Carried.

15.

LICENSING - OXFORD STREET NOS. 52-54, DARLINGHURST (AKA 1 BURTON STREET) FOOTWAY LICENCE (L56-00204)

That approval be given to:-

- (1) a rebate of 25% of the monthly rental be granted to Wendy McLean Licensee of Sisco's at Nos. 52-54 Oxford Street, Darlinghurst as shown stippled on Plan No. S4-130/479C;
- (2) the rebate in clause (1) above commencing on 1 July 1998 and ending on 31 December 1998;

-interest that has accrued on money outstanding since 1 July to 31 December 1998 be waived.

(DPWS Report 27/11/98)

Carried.

16.

DONATIONS - TROPICANA 1999 FILM FESTIVAL - APPLICATION FOR FINANCIAL SUPPORT (2011199)

That arising from consideration of a report by the Director of Health and Community Services dated 25 November 1998, approval be granted to a donation in the sum of \$5,000 under Section 356 of the Local Government Act (1993), to the 1999 Tropicana Film Festival being for:-

- (a) \$4,000 towards the cost of barricades and clean-up and budget shortfall;
- (b) an additional \$1,000 towards the sponsorship of the Tropicana Award

-with these funds required to be voted as an additional allocation from Section 356.

Carried.

17.

ADMINISTRATION - HEALTH AND COMMUNITY SERVICE DEPARTMENT - RELOCATION OF COUNCIL'S WOOLLOOMOOLOO CHILDREN'S PROGRAM TO PLUNKETT STREET SCHOOL (2013980)

That arising from consideration of a report by the Director of Health and Community Services dated 26 November 1998, approval be given to:-

GENERAL MANAGER

- (1) the relocation of the Woolloomooloo Children's Program from the Juanita Neilsen Centre to the Plunkett St School;
- (2) Council entering into a lease agreement with the Plunkett St School for a 5 year period with a further 5 year option for an annual rental of \$5,000 per year;
- (3) an amount of \$5,000 being added to this years budget for the rental component of the lease;
- (4) an additional amount of \$5,000 being added to this years budget to cover the cost of utilities for the remainder of the 1998/99 financial year.

Carried.

18.

**COMMUNICATIONS - TELEPHONE CALL CENTRE - ESTABLISHMENT
(2017120)**

That arising from consideration of a report by the Director of Corporate Services dated 26 November 1998, approval be given to:-

- (a) the establishment of a Telephone Call Centre;
- (b) the revised structure of the Customer Service Centre incorporating the Telephone Call Centre as detailed in Chart 2 accompanying the beforementioned report;
- (c) an amount equivalent to the salaries of any external appointments plus the difference in salaries for internal appointment be added to the 1998/1999 Budget;
- (d) all positions created being initially called for within the Service and if insufficient suitable applicants are not found, then advertise externally;
- (e) the Switchboard function be incorporated into the Telephone Call Centre;
- (f) the existing ACD be upgraded and that funds of \$50,000 be added to the 1998/1999 Budget;
- (g) an amount of \$6,500 for the provision of uniforms be added to the 1998/1999 Budget.

Carried.

19.

**COMMUNITY SERVICES - PILOT ABORIGINAL HERITAGE SITES SURVEY
- VARIATION OF THE ABORIGINAL ADVISORY COMMITTEE (2013755)**

That arising from consideration of a report by the Director of Health and Community Services dated 30 November 1998, approval be given to:-

- (1) the revised operational structure for the Aboriginal Advisory Committee and sub-committees;
- (2) the extension of the Cultural Development Officer's hours from three days per week to five from 3 January 1999 to 31 December 1999 to provide assistance to the Aboriginal Development Officer for strategic planning and project development;
- (3) an additional allocation of \$8,400 to the 1998/99 budget KCB 0009 77FO to enable the Cultural Development Officer to work an additional two days per week in 1999, as outlined in the beforementioned report.

Carried.

20.

**PUBLIC RELATIONS - KING STREET, NEWTOWN, DECORATIVE
FOOTPATH PROJECT - ADDITIONAL ARTWORKS (2016538)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That arising from consideration of a report by the Director of Health and Community Services dated 9 December 1998, Option 3 be approved in regards to the King Street, Newtown Decorative Footpath Project.

Carried.

21.

**PUBLIC RELATIONS - COMMUNITY SERVICES - SOUTH SYDNEY ART IN
SIGHT POLICY AND STRATEGIC PLAN - ADOPTION (2001509)**

That arising from consideration of a report by the Director of Health and Community Services, dated 27 November 1998, approval be granted to:-

- the adoption of the South Sydney Art In Sight Policy and supporting Strategic Plan;

GENERAL MANAGER

- the expenditure of \$37,000 for the inaugural South Sydney Art In Sight Commission in 1999, (\$20,000 to be funded from the 1998/99 approved budget and \$17,000 to be included in the 1999/2000 budgets KHL);
- the allocation of a suitable budget for the four commissions;
- an additional allocation of funds (totalling \$4,500) to the 1998/99 budget KHL for the one-off production of appropriate publicity material for the South Sydney Art In Sight Program;
- the implementation of the inaugural commission at the Waterloo Town Hall;
- the formation of a working party of relevant Council Officers to prepare a conservation and maintenance plan for the Art In Sight Program.

Carried.

22.

**FINANCE - BUDGETS - HEALTH AND COMMUNITY SERVICES
DEPARTMENT - TRANSFER OF FUNDS FROM 1997/1998 TO 1998/1999
BUDGET (2019314)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Waters:-

That arising from consideration of a report by the Director of Health and Community Services dated 30 November 1998, approval be given to:-

- (1) the revoting of \$184,799 from the 1997/98 budget to the 1998/99 budget as outlined in the beforementioned report to cover expenditure arising from projects initiated or resources purchased in the 1997/98 financial year;
- (2) the addition to the budget of \$16,000 to cover the purchase of staff uniforms required for the Community Resources Section following completion of the restructure (KRA 55AO).

Carried.

23.

**DONATION - REDFERN RESIDENTS FOR RECONCILIATION -
APPLICATION FOR FINANCIAL CONTRIBUTION TOWARDS A
RECONCILIATION EVENT (2002408)**

That arising from consideration of a report by the Director Health and Community Services dated 30 November 1998, approval be given to:-

- (1) the Redfern Residents for Reconciliation be advised that Council's preferred process for considering requests for funding of community activities is through the Community Donations Program;
- (2) Confirmatory approval be granted for an addition to the 1998/99 budget of \$800 to the Redfern Residents for Reconciliation End of Year Gathering on condition that similar future activities are requested in accordance with the Guidelines for the Community Grants Program, with funds to be allocated from Section 356 to cover this expenditure.

Carried.

24.

DONATIONS - SOCIETY OF ST. VINCENT DE PAUL, REDFERN - APPLICATION FOR FINANCIAL ASSISTANCE (2002408)

That arising from consideration of a report from the Director of Health and Community Services dated 1 December, 1998, Council approve as an addition to the 1998/99 budget of a Section 356 donation of up to \$1,000 to cover any shortfall in funding for this year's Christmas party being hosted by the Redfern office of the Society of St Vincent de Paul on 21 December, 1998.

Carried.

25.

ADMINISTRATION - PUBLIC WORKS AND SERVICES DEPARTMENT, CLEANSING SERVICES SECTION - RESTRUCTURE (2003078)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt :-

That for the reasons set out in the report by the Director of Public Works and Services dated 1 December 1998, it be resolved that:-

- (1) two additional Waste Services - Ordinance Inspector positions be created within the Waste Services Branch with the annualised cost of \$73,096 being added to the 1998/99 Budget;
- (2) subject to job evaluations and cost analysis being acceptable to the General Manager, approval be given to:
 - (a) the Sub-Foreman position (Afternoon shift) be re-graded to Foreman;
 - (b) the vacant clerk's position within the Waste Services Branch being re-profiled to a Community Garden Development Officer/ Waste Education Assistant.

Carried.

GENERAL MANAGER

The Finance Committee Meeting terminated at 8.05 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

2 December, 1998

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Margaret Deftereos, Sean Macken and Greg Waters

At the commencement of business at 8.06 pm those present were -

Councillors:- Deftereos, Fenton, Macken and Waters.

Moved by the Chairperson (Councillor Fenton), seconded by Councillor Macken:-

That the Report of the Community Services Committee of its meeting of 2 December 1998, be received and the recommendations set out below for Items 1-11 inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

COMMITTEE - ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES - MINUTES OF MEETING HELD 13 OCTOBER 1998 (2017377)

That the report by the Director of Health and Community Services dated 13 November 1998, and the accompanying minutes of the Access Committee for People with Disabilities held on 13 October 1998, be received and that the undermentioned recommendations of the Committee be adopted, namely:-

That arising from the minutes of Council's Access Committee meeting of 13 October 1998, Council grant its approval to:-

- (1) a letter of concern regarding those in wheelchairs having to travel backwards and unrestrained be sent to the STA;

GENERAL MANAGER

- (2) a letter being sent to the Commonwealth Government, supporting the current Accessible Public Transport Standards under the Disability Discrimination Act;
- (3) seek information from Waverley Council so that a report can be prepared by the Director of Corporate Services which investigates the feasibility of Council Officers patrolling private car parks (as request by the owner) and issuing parking notices on vehicles illegally parking in Accessible Parking Spaces.

Carried.

2.

LIBRARIES - CLOSURE - 26 AND 27 DECEMBER 1998 (2000927)

That arising from consideration of a report by the Director of Health and Community Services dated 20 November 1998, approval be given to close the South Sydney Libraries on the Saturday and Sunday December 26 and 27, 1998.

Carried.

3.

PARKS - VICTORIA PARK - APPLICATION TO USE FOR BOOK LAUNCH BY INNER CITY PRODUCTIONS (2018724)

That approval be given to Inner City Productions to use Victoria Park to conduct a book launch of the publication "Kid City" including free entertainment, free children's rides and display stalls in the park on Sunday 17 January 1999 between 9.00a.m. and 5.00p.m., subject to the following conditions, namely:-

- (1) That Council and Minister for Land and Water Conservation shall be indemnified against any claims for injury to persons or damage to property arising out of such approval and such indemnity shall be expressed in the form of public risk insurance policy in the minimum amount of \$10,000,000. Such policy must be in the joint names of the applicant, the Council and the Minister for Land and Water Conservation;
- (2) That any amusement devices be covered by a separate public liability policy also in a minimum amount of \$10,000,000;
- (3) That a Hire Fee of \$300 be paid to Council;
- (4) That a security deposit of \$500 be paid to Council prior to the event and that the applicant agrees to pay Council's costs for any necessary cleansing or repairs to the park resulting from the proposed use;

GENERAL MANAGER

- (5) That the applicant will be responsible to ensure that adequate toilet facilities are provided to meet the requirements of those attending;
- (6) That any amplified sound shall be kept at a reasonable level and restricted to the area being used;
- (7) That no monies shall be collected or goods sold in the park;
- (8) That no vehicles shall be parked in the confines of the park;
- (9) That a maximum of thirty display stalls may be located in the park;
- (10) That the applicant, Inner City Productions shall be responsible for the observance of the conditions of this approval by all stall holders, amusement operators and entertainers taking part in the event;
- (11) That evidence of the public risk insurance policies, the security deposit and hire fee be received by Council together with written acceptance of the conditions of this approval not less than seven (7) days prior to the event.

(DPWS Report 17.11.98)

Carried.

4.

**WELFARE - SOUTH SYDNEY CITY COUNCIL SOCIAL PLANNING
PROJECT 1998/1999 (W51-00086)**

That arising from consideration of a report by the Director of Health and Community Services dated 27 November 1998 it be resolved that the proposed outcomes and process for the South Sydney City Council Social Planning Project 1998/99 be accepted.

Carried.

5.

**COMMITTEES - APPOINTMENT OF A NEW SECTION 377 MANAGEMENT
COMMITTEE FOR THE "BOOLER CENTRE", LAMBERT STREET,
CAMPERDOWN
(C07-00016)**

That arising from consideration of a report by the Director of Health and Community Services dated 26 November 1998, approval be given under the provisions of Section 377 of the Local Government Act, 1993, to the appointment of the following persons:-

GENERAL MANAGER

Mrs Lillian McGrath President/ Secretary	35 Pymont Bridge Road, Camperdown
Mrs Flo Hayes Treasurer	19/44 Collins Street, Annandale
Mrs Belva Bugden	611/23 Pymont Bridge Road, Camperdown
Mrs Ruby Johnstone	208/23 Pymont Bridge Road, Camperdown
Mrs Molly O'Loughin	804/23 Pymont Bridge Road, Camperdown
Claude Laborde	605/23 Pymont Bridge Road, Camperdown
Steve Ford	612/23 Pymont Bridge Road, Camperdown

-to a local citizen's committee and delegate to such Committee the care, control and management of the "Booler Centre", Lambert Street, Camperdown, on the understanding that Council will be responsible for the outgoings, including electricity, rates, refuse collection, maintenance and repairs to the Centre, together with minor stores and materials as required, subject to the Committee being required to clean the premises and keep proper records and books of account, which must be made available for inspection by Council's officers when required

Carried.

6.

COMMUNITY SERVICES - COUNCIL'S LOCAL ETHNIC AFFAIRS POLICY STATEMENT - (LEAPS) IN 1998 - REPORT ON THE IMPLEMENTATION (2012935)

That arising from consideration of a report by the Director of Health and Community Services dated 27 November, 1998, it be resolved that:-

- (1) the success of the implementation of Council's LEAPS strategies (as outlined in the beforementioned report) be received and noted by Councillors and all Departments;
- (2) all Departments be congratulated for their efforts and support, particularly the members of the Inter-departmental LEAPS Committee.

Carried.

7.

**CELEBRATIONS - AUSTRALIA DAY 1999 - COMMUNITY AWARD
NOMINATIONS (C52-00117)**

That arising from consideration of a report by the Director of Health and Community Services dated 27 November 1998, approval be given to:-

(1) Presentation of the following Australia Day Community Awards for 1999:

Citizen of the Year – Shireen Malamoo
Young Citizen of the Year – Kate Farne
Community Event of the Year – Save Erskineville Post Office

(2) The following individuals being awarded one of Council's 1999 Citizens Community Achievement Awards:

Citizens Community Achievement Award

Charlie Bullivant
Ruth Champion
Catherine Cluck
Neil Jackson
Barbara Lewis
Robyn Miller
David Reed

Young Citizen Community Achievement Award

Sarah Perrick

Carried.

8.

**COMMUNITY FACILITIES - KINGS CROSS ACTIVITY CLUB - UPGRADING
AND PROVISION OF DISABLED ACCESS (2000488)**

That arising from consideration of a report by the Director of Health and Community Services dated 30 November 1998, Council grant its approval to the allocation of \$38,500 to KEA.002 (BLD.160) for the purpose of upgrading the Reginald Murphy Activity Club so as to comply with requirements of the Disability Discrimination Act and to provide a new office space by carrying out renovations to the existing kitchen.

Carried.

9.

**DONATIONS - SURRY HILLS PUBLIC TENANTS ASSOCIATION -
REQUEST TO VARY APPROVED PROJECTS FUNDING (2017155)**

That arising from consideration of a report by the Director of Health and Community Services dated 27 November 1998, it be resolved that:-

- (1) the Surry Hills Public Tenants Association be advised that due to the lack of substantiating information the Disabled Friendly Garden Project should be implemented, as originally funded;
- (2) the Surry Hills Public Tenants Association be advised that if they are unable to undertake the Disabled Friendly Garden Project, the funds allocated should be returned to Council;
- (3) the Surry Hills Public Tenants Association be given approval to reallocate \$300 from the Adopt-a-Park Scheme to multicultural activities.

Carried.

10.

**COMMUNITY FACILITIES - SOUTH SYDNEY CREATIVE ARTS CENTRE,
FORMERLY KNOWN AS PINE STREET LEISURE CENTRE -
EMPLOYMENT OF CASUAL STAFF (2012777)**

That arising from consideration of a report by the Director of Health and Community services dated 27 November, 1998, approval be given to:-

- (1) the establishment of a specialist arts casual panel consisting of eight suitably qualified people to be employed on an as and when required basis to work at South Sydney Creative Arts Centre and other locations as required;
- (2) the employment of the casual panel from Entry Level Grade 8 to Entry level Grade 9 with 25% loading as per the South Sydney City Council Salaried Officers Award;
- (3) funds allocated in the 1998/99 budget allocations and identified in the beforementioned report be used for the employment of casual staff from the newly created panel;
- (4) the advertising of the casual panel positions internally and externally on the basis of the position description accompanying the beforementioned report for Cultural Activities Officer.

Carried.

GENERAL MANAGER

11.

HEALTH - IMMUNISATION PROGRAM - REVIEW (2002242)

That arising from consideration of a report by the Director of Health and Community Services dated 30 November 1998, approval be given to:-

- (1) the above report being received and noted.
- (2) a further report being produced and forwarded to Council:
 - (a) as to the findings of the survey;
 - (b) the feasibility of the provision of a courier service to GP's for the delivery of vaccines.

Carried.

The Community Services Committee Meeting terminated at 8.13 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

2 December 1998

PRESENT

The Mayor, Councillor Vic Smith (Chairperson)

Councillors - John Bush, John Fowler, Christine Harcourt and Jill Lay.

At the commencement of business at 6.40 pm, those present were -

The Mayor and Councillors - Bush, Fowler, Harcourt and Lay.

Note: The Planning and Development Committee resolved that Items 6, 30, 31, 39, 45, 46, 47, 48, 49, 50 and 51 be adjourned to a Special Meeting of the Planning and Development Committee to be held on Tuesday 8 December 1998, at Erskineville Town Hall commencing at 6.00 p.m. The decisions for these items were circulated separately on Wednesday 9 December 1998, prior to the Council Meeting.

Those present at the commencement of business at 6.13 p.m. for the meeting of 8 December 1998 were:-

The Mayor (Chairperson) and Councillors Bush, Fowler, Harcourt and Lay.

GENERAL MANAGER

Moved by the Chairperson (the Mayor, Councillor Smith), seconded by Councillor Harcourt:-

That the Reports of the Planning and Development Committee meetings of 2 December and 8 December 1998, be received and the recommendations set out below for Items 1 to 3, inclusive, 5, 7 to 9, inclusive, 11 to 18, inclusive, 22, 25, 27 to 29, inclusive, 32 to 37, inclusive, 40, 44 and 51, be adopted. The recommendations for Items 4, 6, 10, 19 to 21, inclusive, 23, 24, 26, 30, 31, 38, 39, 41 to 43, inclusive, and 45 to 50, inclusive, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

REDEVELOPMENT OF FORMER SARGENTS PIE SITE AND BUILDING BOUNDED BY PALMER STREET, LIVERPOOL STREET, BOURKE STREET AND KING LANE, DARLINGHURST - SECTION 96 - AMENDMENT (U97-01114)

- (A) That the Council as the responsible authority grants its consent to the Section 96 application submitted by Trafalgar Properties to modify the consent granted on 24 June, 1998 for the redevelopment of the former Sargents Pie site and a number of buildings bounded by Kings Lane, Palmer, Liverpool and Bourke Streets, in the following manner:-

Condition (1) being amended to read:

- (1) That the development shall be generally in accordance with plans Project 97068 Drawings DA100 Revision D, DA200 Rev.D to DA210 Rev.D inclusive, DA220 Rev.D to DA223 Rev.D inclusive, DA300 Rev.D to DA308 Rev.D inclusive all dated 19 November, 1998 as amended by Plans Job 98025 Dwg A1.00 to A7.00 inclusive all dated August 1998, Dwg A1.00, A2.00, A2.01 to A2.05, A3.00 to A3.03, A4.00 & A4.01 all dated Sept.98.

Condition (3) being amended to read:

- (3) That the floor space ratio of development on the larger site shall not exceed 2.63:1 and development on the smaller site shall not exceed a combined FSR greater than 2.15:1 and that detailed plans and calculations shall be provided with the BA, certified by a registered surveyor, showing floor space calculations prepared according to the definition of gross floor space contained within DCP 1997;

GENERAL MANAGER

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

2.

PRINCESS AVENUE, NO.18, ROSEBERY - ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U98-00797)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr John R McKay, with the authority of Mr J G McKay (co-owner) , for permission to carry out alterations and additions including a combined living and dining room on the ground floor, the erection of a first floor addition incorporating two bedrooms with ensuite and a first floor store/studio addition above the existing detached garage at the rear of the abovementioned premises, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$100, or first installment (as applicable), can be paid to the Council;
 - (3) Please note that following the gazettal of the Home Building Act 1997, your application is subject to a privately obtained "Consumer Warranty Insurance". You must preserve your completed insurance documentation;
 - (4) That the builder or person who is contracted to do the residential building work shall comply with the requirements of part 6 of the Home Building Act 1989 in that a person shall not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work and a certificate of insurance evidencing the contract of insurance, in a form prescribed by the regulations is attached to the contract;

GENERAL MANAGER

- (5) That a solar water heater shall be installed in accordance with the requirements of Part E of DCP 1997. Details shall be provided with the Construction Certificate;
- (6) That the development shall be generally in accordance with plans numbered BA/DA 1A received on 21 August, 1998;
- (7) That the proposed front roof dormer shall be redesigned so as to be set down a minimum of 200mm from the existing ridgeline;
- (8) That the proposed dormer window shall be vertically proportioned;

NOTE: For the purpose of child safety, it is **recommended** that all new or replacement hot water systems be designed to deliver hot water to a maximum 50°C and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices;

- (9) That the garage/studio stove shall be reduced in height so that the ridge line does not exceed 4.8m measured from the existing garage floor;

and the following adopted standard conditions:

- (10) Treat Proposed External Walls¹¹³
- (11) Details of Materials – Deferred Consent¹¹⁶
- (12) Wooden Windows and Doors¹¹⁹
- (13) Construction Certificate Required⁹¹⁵⁵
- (14) Vibration and Noise⁷⁰²⁸
- (15) Stormwater Standard⁴⁰⁰¹
- (16) Obstruction of Public Way³⁰²⁹
- (17) Refuse Skips⁶⁰⁰²
- (18) Vehicle Cleansing⁷⁰⁰⁹
- (19) Construction Hours⁹¹⁵¹
- (20) Construction Noise⁷⁰⁰⁸
- (21) Emissions⁷⁰⁰⁴
- (22) Structural Details with Construction Certificate⁹⁰⁰⁷

- (23) Drainage Details with Construction Certificate⁹⁰¹³
- (24) Natural Ground Level Details with Construction Certificate⁹⁰⁰³
- (25) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (26) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (27) Survey Certificate at Completion⁹⁰⁰²
- (28) Compliance with Building Code of Australia⁸⁵⁰¹
- (29) Residential Building Work⁸⁵⁰³
- (30) Protection of Public Places⁸⁵⁰⁷
- (31) Signs Erected on Building and Demolition Sites⁸⁵⁰⁸
- (32) Toilet Facilities⁸⁵⁰⁹
- (33) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (34) Protection from Termites⁹²⁰³
- (35) Protection of External Walls⁹³²³
- (36) Stairs and Balustrades⁹⁴¹⁹
- (37) Smoke alarms⁹⁵²³
- (38) Protection of walls and floors in wet areas⁹⁶⁰²
- (39) Natural light and ventilation⁹⁶¹⁴
- (40) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶
- (41) Flashings to Boundary Walls⁹⁶²⁵

The reason for Council granting consent, subject to the above conditions, is:-

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood and would not be in the public interest.

NOTE: That the applicant be advised that the applicant may be liable for prosecution under the Environmental Planning and Assessment Act for breach of an approved condition or under the Clean Waters Act 1970 if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped,

drained, or allowed to flow to the street, stormwater pipes or waterways. The applicant is advised to ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

3.

LOCAL GOVERNMENT ACT 1993 AND AMENDED ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - POLICIES AND PROCEDURES - ADOPTION OF NEW DRAFT LOCAL POLICY FOR ORDERS AND DRAFT DEVELOPMENT CONTROL PLAN FOR ORDERS (2012716)

- (1) That the existing Local Orders Policy adopted by Council on 23 August 1995 (re-adopted on 7 August 1996) be revoked.
- (2) That the Draft Local Orders Policy and the Draft Development Control Plan for Orders accompanying this report be adopted.
- (3) That public notification be given to the adoption of these two policies.

(DPB Report 20.11.98)

Carried.

4.

ANDERSON STREET, NO.34, ALEXANDRIA - ATTIC CONVERSION TO DWELLING - DEVELOPMENT APPLICATION (U98-00997)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Environa Design Studio, with the authority of Ms S Ryan, Ms M. Maguire, for permission to carry out alterations and additions to create an attic room in a new roof, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this

GENERAL MANAGER

application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (2) That the front dormer must be proportioned at a ratio 1.5:1 measured from head to ceiling of window frame;
- (3) That the development shall be generally in accordance with Drawing No. 01 - 06, dated 14 September 1998;
- (4) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
 - (a) external finishes to walls;
 - (b) roofing;
 - (c) windows and doors;

-and such materials shall respect and be consistent with the attributes and character of the surrounding area;
- (5) That any external glazing shall have a reflectivity not exceeding 20%;
- (6) That the proposed front dormer shall be constructed in timber joinery and the roof materials shall match the existing roof materials, to be detailed in the application for a Construction Certificate;
- (7) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater drainage system, in accordance with Council's requirements;
- (8) That no garbage or industrial waste shall be placed on the public way (eg footpaths, roadways, plazas, reserves etc) at any time;
- (9) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (10) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (11) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;

(b) all required mechanical ventilation systems;

-shall be submitted and approved by Council or an accredited certifier before a 'Condition Certificate' is issued;

- (12) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (13) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (14) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (15) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (16) That all proposed work shall be wholly within the boundaries of the site.

The reason for Council granting consent, subject to the above conditions, is:-

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to the emission of noise and vibration, and would not be in the public interest.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

5.

KING STREET, NO.186, NEWTOWN - ALTERATIONS TO THE EXISTING SHOPFRONT AND TO USE SHOP AS THAI RESTAURANT - DEVELOPMENT APPLICATION (U98-000864)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Braddon Patterson for the use of the ground floor of the premises as a restaurant, involving alterations to the existing

GENERAL MANAGER

shopfront at the abovementioned premises, subject to the following conditions, namely:-

- (1) That the development shall be generally carried out in accordance with plans numbered 01, dated August 1998, except where amended by conditions of this consent;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$80, or first installment (as applicable), can be paid to the Council;
- (4) That the existing shopfront and entry hamper shall be retained as existing, subject to restoration work incorporating the following:-
 - (a) the metal window frames are to be suitably repaired and restored;
 - (b) missing wall tiles shall be replaced with tiles matching the existing. Should matching tiles not be available, the walls shall be retiled with black gloss tiles of the same dimensions as the existing ones;
 - (c) the pressed metal ceiling above the hamper entry is to be suitably repaired and restored.

-details of the proposed works shall be submitted with the Construction Certificate;

- (5) That the proposed sign shall be painted in colours which are sympathetic with the existing shopfront and associated restoration works;
- (6) That the hours of operation of the premises shall be limited to 11 am to 11.45 pm Sundays to Fridays and 11.00 am to 12.00 midnight Saturdays;
- (7) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am

GENERAL MANAGER

and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;

- (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (8) That all building work must be carried out in accordance with the provisions of the Building Code of Australia.

-this does not apply to the extent to which an exemption is in force under clause 80H or 801 of the EPA Act Regulations 1998, subject to the terms of any condition or requirement referred to in clause 80H(6) or 801(4);

- (9) That a building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use;

Note: The obligation under this subclause to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

This does not apply to the extent to which an exemption is in force under clause 80H or 801 of the EPA Act Regulations 1998, subject to the terms of any condition or requirement referred to in clause 80H(6) or 801(4).

Category 1 fire safety provision has the same meaning as it has in Part 7B;

- (10) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;

- (11) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (12) That all proposed work shall be wholly within the boundaries of the site;
- (13) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (14) That the construction, fitout and finishing of the premises shall comply with the Food (General) Regulation, 1997 and the National Code for the Construction and Fitout of Food Premises;
- (15) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (16) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (17) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;
- (18) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the recycling storage area;
 - (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced.

The reason for Council granting consent, subject to the above conditions, is:-

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood and would not be in the public interest.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

6.

MEETINGS - OLYMPIC CO-ORDINATION AUTHORITY CO-ORDINATION OF "URBAN DOMAIN PLANNING" IN SOUTH SYDNEY FOR THE SYDNEY 2000 OLYMPIC AND PARALYMPIC GAMES (2019159)

That Council:-

- (1) advise the Olympic Coordination Authority (OCA) of its concurrence to the establishment of the suggested "Urban Domain East (South Sydney Council) Planning Control Group", involving representatives of OCA, SOCOG (Sydney Organising Committee for the Olympic Games), ORTA (Olympic Roads & Transport Authority), N.S.W. Police, and South Sydney Council;
- (2) representatives be the members of Council's Sydney 2000 Olympic and Paralympic Games Committee;
- (3) That the departmental staff representatives on Council's Sydney 2000 Olympic and Paralympic Games Committee be:

General Manager's Unit: Special Events Coordinator - (Mr R Perram).

Health & Community Services Dept: Aged & Disability Services Manager - (Mr G Oakley).

Planning & Building Dept: Strategic Planning Manager. (To be appointed).

Public Works & Services Dept: Manager - Eastern Distributor & Olympics Liaison - (Mr I Thompson).

(DPWS Reports 23 and 26 November, 1998)

Carried.

GENERAL MANAGER

7.

MACLEAY STREET, NOS. 67-69, POTTS POINT - USE PREMISES AS VIDEO EZY VIDEO RENTAL SHOP - DEVELOPMENT APPLICATION (U98-01067)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Aspen Pty Ltd, with the authority of The Proprietors, Registered Properties S/P 15545, for the permission to use the premises as a "Video Ezy" video rental store, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with submitted plans dated 12 October, 1998;
 - (2) That the hours of operation shall be restricted to between 8.00 a.m. and 12 midnight, 7 days a week;
 - (3) That no people (commonly known as "spruikers") shall be on the property or the public way, publicising the use of the premises;
 - (4) That the proposed signage shall:
 - (a) not flash, move, be animated, scintillate or be decorated with rotating flashing lights at any time without the consent of the Council;
 - (b) not have attached apparatus to provide any sound;
 - (c) be neatly affixed to the building (any damage caused shall be promptly repaired with matching materials);
 - (d) not cover any architectural features or windows;
 - (e) not carry a message(s) which is offensive;
 - (5) That the proposed signage shall have a minimum clearance of 2.6m from the footway;
 - (6) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
 - (7) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
 - (8) That the use of the premises shall not give rise to:
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or

GENERAL MANAGER

- (c) an "offensive noise" as defined in the Noise Control Act, 1975;
 - (9) That no garbage or industrial waste shall be placed on the public way (e.g. footpaths, roadways, plazas, reserves etc) at any time;
 - (10) That all relevant sections of the BCA shall be complied with;
 - (11) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

8.

CROWN STREET, NO.182, DARLINGHURST - ALTERATIONS AND ADDITIONS TO USE OF PART OF THE GROUND FLOOR AS A LOCAL SHOP - DEVELOPMENT APPLICATION (U98-000617)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr J and Mrs C Uzabeaga for permission to carry out alterations and additions to a terrace dwelling including use of part of the ground floor as a local shop subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 9814/01-09 inclusive, dated June 1998;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$570 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and

GENERAL MANAGER

ensure that the plans are suitably endorsed. The levy, to the value of \$76, or first installment (as applicable), can be paid to the Council;

- (4) That a separate Development Application shall be lodged for the specific use of the local shop;
- (5) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (6) That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descent, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures;
- (7) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
- (8) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
- (9) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
- (10) That the new windows and doors in the front elevation shall be constructed in timber joinery;
- (11) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (12) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes;
- (13) That all relevant sections of the BCA shall be complied with;

- (14) That the requirements of the Work Cover Authority shall be complied with;
- (15) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
- (16) That all proposed work shall be wholly within the boundaries of the site;
- (17) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (18) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (19) That where a structural member is subject to attack by subterranean termites provision shall be made for:
 - (a) Physical barriers in accordance with AS 1694
 - (b) Soil treatment in accordance with B1.3 of the BCA and AS 205
- (20) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (21) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (22) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (23) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7;
- (24) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;

- (25) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
- (26) That the electrical installation serving the subject premises shall be inspected by a suitably qualified electrical contractor and certified accordingly;

The certificate shall be in the form of a typed report providing the following minimum requirements:-

- (a) the electrical contractors licence number;
- (b) that a visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
- (c) that an insulation resistance test was carried out pursuant to Clause 1.5.2 of SA 3000 and was found to be satisfactory;
- (d) that circuit protection devices used have been examined and found to be satisfactory pursuant to Clause 2.4 of SAA 3000.

-alternatively, a report from Energy Australia would satisfy the above requirements;

- (27) That the proposed attic shall have a minimum ceiling height of 2.2m for a minimum of 6m² or alternatively shall not be used for habitable purposes;
- (28) That the proposed stairway shall be separated from the retail area by construction having a minimum fire resistance level of 60/60/60;
- (29) That the ceiling beneath the first floor shall be constructed of material having resistance to the incipient spread of fire of one hour;
- (30) That proposed skylights shall be non combustible;
- (31) That natural light and ventilation shall comply fully with the requirements of Part F of the BCA;
- (32) That dormer walls nearest to the boundary shall be constructed of material having a minimum fire resistance level of 60/60/60.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

9.

COOPER STREET, NO. 113, SURRY HILLS - ERECTION OF 6 RESIDENTIAL APARTMENTS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00115)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr A E Davies, for permission to demolish the existing building and erect a new 5 level building comprising 6 units and 5 parking spaces, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans DA01B to DA02B, dated September 1998;
- (2) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1997, the following monetary contributions towards the cost of providing facilities and amenities are required:

Contribution Category	Amount	Account
Open Space Land Acquisition	\$12,746	2E97001.BGY0
Open Space/Townscape/ and Public Domain	\$ 3,851	2E97002.BGY0
Accessibility And Transport	\$ 46	2E97006.BGY0
Management	\$ 192	2E97007.BGY0
Total	\$16,835	

The above must be paid to the Council in cash or by unendorsed bank cheque, before issuing a Construction Certificate.

Details about the contribution, including how it is determined, adjustments for CPI and works in kind can be found in the Contributions Plan (available at the Council, 140 Joynton Avenue, Zetland). No works will be offset against the required monetary contribution without the prior written consent of the Director of Planning and Building or the Director of Public Works and Services;

- (3) That the developer shall advise any purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to

GENERAL MANAGER

issue resident parking permits to residents of new residential flat developments located in Resident Parking Scheme areas;

- (4) That an area equivalent to one car space shall be provided with cycle racks, such racks to be made available without charge to cyclists who work in the building;
- (5) That parking spaces shall be allocated on the basis of no more than one space per visit;
- (6) That a maximum of 5 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;
- (7) That details, shall be submitted, including materials proposed and colours of same for the approval of the Director of Planning and Building prior to the approval of the Building Application, in respect of the following aspects of the proposal: -
 - (a) external finishes to walls;
 - (b) roofing finishes;
 - (c) Balcony balustrade treatment;
 - (d) proposed fences;
 - (e) size and proportion of windows and doors;
- (8) That any external glazing shall have a reflectivity not exceeding 20%;
- (9) That the car parking areas shall be ventilated in accordance with Australian Standard 1668 Part 2 (1991), Section 4;
- (10) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) the garbage room;shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

-and the following adopted standard conditions:

- (11) hsc103 - Environmental site assessment being carried out;
- (12) hsc500 - Premises to be ventilated;
- (13) hsc555 - Bathroom ventilation;
- (14) hsc111 - Liquid wastes to sewer;

- (15) hsc700 - Compliance with code for Garbage Handling System;
- (16) hsc704 - Garbage storage area;
- (17) hsc706 - Storage of recyclables;
- (18) hsc801 - Noise from premises;

NOTE 1: The applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, and Environmental Offences and Penalties Act, 1989, if the applicant's employees, agents or sub-contractors cause, permit or allow sediment, including soil, excavated material, building materials, wastes, or other matter to fall, descend, percolate, be pumped, washed or allowed to flow to the street, stormwater system, or waterways. The applicant shall ensure the applicant's employees, agents, and sub-contractors adequately provide and satisfactorily maintain approved sediment control measures.

NOTE 2: Details relating to the residential garbage and recycling facilities should have been referred to the Council's Waste Services Section, Public Works and Services Department, for approval of the location and type of storage containers at the time of the development proposal.

The reason for Council granting consent, subject to the above conditions, is:-

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood and would not be in the public interest.

- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
 - (1) That proposed rooflights shall be redesigned to comply fully with the requirements of Clause 3.6 of specification C.1.1 of the BCA;
 - (2) That the doorway separating the car park from the egress passage shall be protected by a self closing -/60/30 fire door;
 - (3) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;

GENERAL MANAGER

and the following adopted standard conditions:

- (4) BC310 - Protection of external openings;
 - (5) BC318 - Fire entrance doors to units;
 - (6) BC426 - Exit doors, shutters and grilles;
 - (7) BC501 - Fire extinguisher;
 - (8) BC507 - Hose reels;
 - (9) BC508 - Hydrants;
 - (10) BC524 - Emergency lighting;
 - (11) BC525 - Exit signs;
 - (12) BC528 - Fire detectors and alarm system;
 - (13) BC602 - Clothes washing and drying facilities;
 - (14) BC609 - Natural light and ventilation;
 - (15) BC611 - Ventilation of bathrooms/laundries;
 - (16) BC612 - Wall sound transmissions;
 - (17) BC614 - Floor sound transmissions;
 - (18) BC26 - Comply with BCA;
 - (19) LDA351 - Building Application required.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

10.

ELIZABETH BAY ROAD, NO.1A, POTTS POINT - CONSTRUCT A TERRACE AND ERECT SHADE STRUCTURES ADJACENT TO THE FOUNTAIN CAFE TO PROVIDE ADDITIONAL SEATING - DEVELOPMENT APPLICATION (U98-00729)

At the Council meeting Councillor Fenton declared an interest and did not take part in discussions or voting on the Item.

This matter was submitted to Council without recommendation.

GENERAL MANAGER

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Mr Allen Sleiman, with the authority of the Registered Proprietors of Strata Plan No. 10070 and South Sydney Council, for permission to construct a terrace and erect shade structures adjacent to cafe, for the following reasons, namely:-
- (1) That the proposal would adversely affect the residential amenity of the residents living in Kingsley Hall at 1A Elizabeth Bay Road, Potts Point;
 - (2) That the proposal may impede access to emergency vehicles along Barncleuth Square;
 - (3) That the proposal represents an undesirable encroachment of commercial activity onto Fitzroy Gardens;
 - (4) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

11.

**SURREY STREET, NO.78, DARLINGHURST - ERECT A THIRD FLOOR
TIMBER DECK OVER AN EXISTING FLAT ROOF AT THE REAR OF
TERRACE HOUSE - DEVELOPMENT APPLICATION (U98-00962)**

At the Council Meeting, Councillor Waters declared an interest and did not take part in discussions or voting on the Item.

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr T J Folland for permission to erect a timber deck on level 3 above an existing roof at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans No. 98010 received with the Development Application;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided

GENERAL MANAGER

that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (3) That a 1.5m high timber privacy screen shall be provided along the northern and southern edge of the proposed deck;

and the following adopted standard conditions:

- (4) Obstruction of Public Way³⁰²⁹
(5) Refuse Skips⁶⁰⁰²
(6) Vibration and Noise⁷⁰²⁸
(7) Comply With BCA⁹¹⁰⁴
(8) Works Within Boundary⁹¹⁵²
(9) Hours of Work and Use of Cranes⁹¹⁵³

The reason for Council granting consent, subject to the above conditions, is:-

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood and would not be in the public interest.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

12.

WILSON STREET, NO.476, DARLINGTON - ALTERATIONS AND ADDITIONS TO REAR OF DWELLING - DEVELOPMENT APPLICATION (U98-01021)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr Desmond Perry for permission to carry out alterations and additions to the rear of the property at the abovementioned premises, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with the submitted plans dated 6 October 1998;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the

satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (3) That prior to issuing the construction certificate , it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$196, or first installment (as applicable), can be paid to the Council, provided that a completed levy payment form accompanies the payment;
- (4) That the ground floor roof pitch adjacent to the balcony shall match the existing roof pitch on the first floor;
- (5) That the second floor deck shall either be deleted or reduced to a Juliet balcony in accordance with page F 15 of DCP 1997;
- (6) That all works shall take place within the confines of the site;
- (7) That the existing roof pitch on the first floor shall be retained;
- (8) That the existing fence shall be reinstated after construction;
- (9) That plans and specifications showing details of all proposed mechanical ventilation systems shall be submitted and approved by Council or an accredited certifier before a 'Condition Certificate' is issued;
- (10) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (11) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (12) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (13) That any excavation, demolition and building work shall comply with Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;

- (14) That all proposed work shall be wholly within the boundaries of the site;
- (15) That all relevant sections of the BCA shall be complied with;
- (16) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (17) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (18) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (19) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (20) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes.

The reason for Council granting consent, subject to the above conditions, is:-

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood and would not be in the public interest.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

13.

FRANCIS STREET, NO.27, DARLINGHURST - INTERNAL/EXTERNAL ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U98-00882)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Sally Coleman with the authority of Ms P Coleman, for permission to undertake alterations and additions to the existing building, subject to the following conditions, namely:-

GENERAL MANAGER

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with the Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That the development shall be generally in accordance with plans dated August 1998 and numbered 9830-2;
- (3) That a 'landscape screen' formed by mature tree or shrub planting with a minimum height of 1500mm shall be established at the eastern edge of the proposed balcony;
- (4) That the proposed planter boxes located at the parapet shall be appropriately fixed to the wall, and the method of fixing shall be shown on the Construction Certificate;
- (5) That plans and specifications showing details of all proposed mechanical ventilation systems shall be submitted and approved by Council or an Accredited Certifier before a Construction Certificate is issued;

and the following adopted standard conditions:

- (6) 9104- Comply with BCA;
- (7) 9155- Construction Certificate required;
- (8) 4002- Clean Water Discharge;
- (9) 6009- Storage and Garbage;
- (10) 7023- Ventilation;
- (11) 7008- Construction Noise;
- (12) 3029- Obstruction of Public way;
- (13) 6002- Refuse skips;
- (14) 7026- Noise and Vibration;
- (15) 9152- Works within boundaries;
- (16) 9153- Hours of work and use of cranes;

- (17) 8004- Sewer discharge;
 - (18) 9013- Drainage details with construction Certificate;
 - (19) 9108- Walls not to be built as party walls unless consent obtained.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

14.

ELIZABETH STREET, NO.944, ZETLAND - ALTERATIONS AND ADDITIONS TO TWO STOREY TERRACE - DEVELOPMENT APPLICATION (U98-00684)

- (A) That the Council resolves that the State Environmental Planning Policy No. 1 objections against the development standards relating to the maximum floor space ratio in Clause 10 of Local Environmental Plan No. 114 is well founded and compliance is therefore unreasonable and unnecessary for the following reasons, namely:-

That additional floor space is acceptable in terms of residential amenity and will not detract from the character of the existing streetscape in terms of bulk and scale and the objectives of Clause 10.

- (B) That the Council as the responsible authority grants its consent to the application submitted by Clonara Holdings Pty Ltd, with the authority of Clonara Holdings Pty Ltd, for permission to carry out alterations and additions to the existing terrace and to erect a garage and studio at rear, subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$2,250 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value

GENERAL MANAGER

of \$300, or first installment (as applicable), can be paid to the Council;

- (3) Please note that following the gazettal of the Home Building Act 1997, your application is subject to a privately obtained "Consumer Warranty Insurance". You must preserve your completed insurance documentation;
- (4) building work shall comply with the requirements of part 6 of the Home Building Act 1989 in that a person shall not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work and a certificate of insurance evidencing the contract of insurance, in a form prescribed by the regulations is attached to the contract;
- (5) That the development shall be generally in accordance with plans numbered 01-04, dated July 1998;
- (6) That the rear studio above the garage shall not be used as a separate dwelling;
- (7) That the height of the garage/studio shall match the height of No. 942 Elizabeth Street;
- (8) That a maximum of 1 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (9) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
 - (a) external finishes to walls;
 - (b) roofing;
 - (c) balcony treatment;
 - (d) proposed fences;
 - (e) windows and doors;

-and such materials shall respect and be consistent with the attributes and character of the surrounding area;
- (10) That any external glazing shall have a reflectivity not exceeding 20%;

- (11) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing an Occupation Certificate;
- (12) That the developer/owner shall accept responsibility for all costs associated with the design and construction of any works on the public way (including kerb, gutter, pavement, footpath paving, landscaping, drainage and alteration of public utility services), with such works to be carried out by Council's workforce (unless otherwise agreed in writing by the Director of Public Works and Services);
- (13) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (14) That the developer shall make an application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works, prior to work commencing (Warning – To ensure that future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (15) That the developer/registered proprietor shall advise any initial purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to new residential flat developments located in Resident Parking Scheme areas;
- (16) That prior to the release of the Construction Certificate (and any excavation or building work on the public way), a Road Opening Permit shall be obtained from Council's One Stop Shop (required for approval under the Roads Act 1993);
- (17) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (18) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;
- (19) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the

Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);

- (20) That any intruder alarm shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standards 2201, Parts 1 and 2 – 1978;
- (21) That plans and specifications showing details of all required mechanical ventilation systems shall be submitted and approved by Council or an accredited certifier before a 'Condition Certificate' is issued;
- (22) That all building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (23) This does not apply to the extent to which an exemption is in force under clause 80H or 801 of the EPA Act Regulations 1998, subject to the terms of any condition or requirement referred to in clause 80H(6) or 801(4);
- (24) That the proposed side boundary wall shown on the approved plans shall not be built as a party wall but the proposed extension shall be wholly located within the boundaries of the allotment unless consent of adjoining owner is submitted to Council;
- (25) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
- (26) That all proposed work shall be wholly within the boundaries of the site;
- (27) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;

- (28) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

The reason for Council granting consent, subject to the above conditions, is:-

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to the emission of noise and vibration, and would not be in the public interest.

- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

15.

POLICY - BUILDING BANK GUARANTEES AS BUILDING DAMAGE DEPOSIT TO PROTECT THE PUBLIC FOOTPATH AND ROADS - COUNCIL'S APPROVAL OF 14 MAY 1997 (2014385)

That Council rescind its resolution of the 14 May 1997 in respect of Item 25 of the Planning and Development Committee and resolve that Council calculate Building Damage Deposits and Bank Guarantee for shoring as follows:-

- (1) Type A Developments (high risk developments)

Value of work	Amount of B.D.D.
Less than \$1001	\$0
\$1001 - \$20,000	\$300 plus \$150/m ² of the face area of the excavation (if applicable)
\$20001 and above	1.5% for the first \$500000 + 0.3% of the amount in excess of \$500000 + \$150/m ² of the face area of the excavation (if applicable)

-B.D.D. to be released after final inspection is done by Public Works and Services Department Officer;

- (2) Type B Developments (Low Risk Developments)

Value of work	B.D.D.
Less than \$1001	- \$0
\$1001 to \$20000	- \$300
\$20001 to \$40000	- 1.5% of the cost

More than \$40000 - \$600

B.D.D. to be released after final inspection is done by Planning and Building Department Officer;

- (3) Separate shoring deposits to be abolished;
- (4) Bank guarantees with an expiry date not be accepted.

Carried.

16.

NICKSON STREET, NO.33, SURRY HILLS - ALTERATIONS AND ADDITIONS TO EXISTING FACTORY - DEVELOPMENT APPLICATION (U98-01009)

That the application submitted by Lippmann Associates with the concurrence of Pynflame Pty Ltd., for the enlargement of the existing industrial building be deferred as requested by the applicant in the fax dated 1 December 1998.

Carried.

17.

WALKER STREET, NO.25, REDFERN - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING - BUILDING APPLICATION (Q98-00562)

- (A) That the Council as the responsible authority grant its consent to the application submitted by Mr Darron Peckman for permission to erect a two storey addition to the rear of the existing dwelling including family room, kitchen, shower, laundry on the ground floor and a new bedroom and ensuite on the first floor, all in accordance with submitted plans numbered 9818-1 received on 26 June 1998, subject to the following conditions, namely:-
 - (1) That compliance shall be given to the provisions of the Local Government Act, 1993, Local Government Regulations and the Building Code of Australia (BCA);
 - (2) That structural details shall be submitted for consideration and approved prior to the commencement of any structural work. You are advised that by a resolution of Council, all structural plans must be accompanied by a certificate from an **approved** practising Structural Engineer. Details of the procedure of Structural Certification are attached herewith;
 - (3) That details of existing and proposed drainage system shall be submitted for approval prior to commencement of building;

GENERAL MANAGER

- (4) That all internal bathrooms, toilets and laundries shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
- (5) That the builder or person who is contracted to do the residential building work shall comply with the requirements of part 6 of the Home Building Act 1989 in that a person shall not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work and a certificate of insurance evidencing the contract of insurance, in a form prescribed by the regulations is attached to the contract;

NOTE: That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descent, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures.

NOTE: For the purpose of child safety, it is **recommended** that all new or replacement hot water systems be designed to deliver hot water to a maximum 50°C and/or install safety devices such as child resistant taps, single lever mixing taps, and automatic flow reduction devices;

and the following adopted standard conditions:

- (6) BC3 - Compliance with conditions on plan;
- (7) Notification of Contractors Licence Details⁹¹¹⁰
- (8) BC11 - Inform Council for inspections;
- (9) BC15 - Approval relates to coloured work;
- (10) Single Dwelling Occupation Only⁹¹⁰³
- (11) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (12) Survey Certificate at Completion⁹⁰⁰²
- (13) Walls Not to be Built as Party Walls Unless Consent Obtained⁹¹⁰⁸
- (14) Construction Hours⁹¹⁵¹
- (15) Building/Demolition Noise Control⁹¹⁵⁶

- (16) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (17) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (18) Excavating Below Base of Footings⁹¹⁵⁸
- (19) Demolition to Comply With Aust Standard⁹¹⁶³
- (20) BC170 - Structural certificate upon completion;
- (21) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (22) BC176 - Approval for permanent work only;
- (23) BC186 - No structural work until approval granted;
- (24) Protection from Termites⁹²⁰⁴
- (25) Smoke alarms⁹⁵²³
- (26) Protection of External Walls⁹³²³
- (27) Sarking Material Flammability Index⁹³²⁵
- (28) Glazing Provisions⁹³³⁰
- (29) Stairs and Balustrades⁹⁴¹⁹
- (30) Protection of walls and floors in wet areas⁹⁶⁰²
- (31) Damp and weather proofing⁹⁶⁰⁵
- (32) Ceiling heights of rooms⁹⁶¹¹
- (33) Natural light and ventilation⁹⁶¹³
- (34) Clothes washing, drying and cooking facilities⁹⁶⁰⁴
- (35) Construction of External Walls for Dampness⁹⁶²⁴
- (36) Stormwater Design Certificate⁹⁰¹⁵
- (37) Stormwater Certificate at Completion⁹⁰¹⁷
- (38) Obstruction of Public Way³⁰²⁹
- (39) Refuse Skips⁶⁰⁰²
- (40) Vehicle Cleansing⁷⁰⁰⁹

- (41) Ventilation⁷⁰²³
- (42) Details of Health Aspects⁷⁰¹⁷
- (43) Noise and Vibration⁷⁰²⁶
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

18.

CROWN STREET, NO.427, DARLINGHURST - PROPOSED REAR LANEWAY STRUCTURE FOR USE AS PART OF THE EXISTING DWELLING (U98-00716)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr A Thangbangchirtsuk, with the authority of Mr A Thangbangchirtsuk and Mr W Panjamawat, to undertake alterations and additions to the existing dwelling and shop involving erection of a two-storey structure adjoining the rear laneway for use in association with the dwelling-house and shop, erection an awning at first floor level to the rear, demolition of the existing side boundary fence, and erection of a new side boundary fence, subject to the following conditions of consent, namely:-
 - (1) That the development shall be generally in accordance with plans numbered Job NO. 1303 - A01A and A02A, dated 14 July 1998 and submitted to Council on 31 July 1998;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$360 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit.;
 - (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$48 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.;

GENERAL MANAGER

- (4) That the proposed ground level storage shall be ancillary to the existing shop at all times;
- (5) That all building work must be carried out in accordance with the provisions of the Building Code of Australia.

-this does not apply to the extent to which an exemption is in force under clause 80H or 801 of the EPA Act Regulations 1998, subject to the terms of any condition or requirement referred to in clause 80H(6) or 801(4);

- (6) That building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
 - (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
 - (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which the EPA Act 1998 Regulation was gazetted, that amount was \$3,000. As those regulations are amended from time to time, so that amount may vary.

A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part;

- (7) That if the soil conditions require it:
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided;
 - (b) adequate provision must be made for drainage;
- (8) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner,
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished;

the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, allotment of land includes a public road and any other public place;

- (9) That the developer shall make an application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works, prior to work commencing (Warning – To ensure that future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);

- (10) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (11) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers).

The reason for Council granting consent, subject to the above conditions, is:-

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood and would not be in the public interest.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

19.

PARK STREET, NOS. 42-44, ERSKINEVILLE - DEMOLISH COUNCIL DEPOT, EXTEND PARK - DEVELOPMENT APPLICATION (U98-00793)

(At the Council Meeting, Councillor Macken declared an interest and did not take part in discussions or voting on the Item.)

- (A) That the Council as the responsible authority grants its consent to the application submitted by South Sydney City Council Rates Section, for permission to demolish the existing depot building and extend the existing park, subject to the following conditions, namely: -
 - (1) That the development shall be generally in accordance with plans numbered 1,2,3,4,5A and 6 dated August 1998;
 - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of 1300, or first installment (as applicable), can be paid to the Council, provided that a completed levy payment form accompanies the payment;
 - (3) That all remaining trees on the site shall be preserved and protected for the duration of the demolition contract and that the

GENERAL MANAGER

protection measures be approved by council's representative prior to the commencement of demolition;

- (4) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the Environmental Protection authority. This assessment shall be reviewed by a Site Auditor who is accredited under Part 4 of the Contaminated Land management act, 1997, and a site audit statement shall be submitted to Council in accordance with Schedule 1 form 1 Contaminated Land Management (Site Auditors) Regulation, 1998;
- (5) That appropriate arrangements shall be made for the storage, removal and disposal of rubbish and building debris to the satisfaction of Council and the Environmental Protection Authority;
- (6) That methods of sediment control to prevent waste matter falling, descending, being blown or washed into Council's stormwater drainage system shall be provided, installed and maintained in stormwater gullies adjacent to the premises;
- (7) That all existing footings shall be excavated and removed from the site;
- (8) That a flashing shall be provided at the height of the wall to d to prevent water entering between the partially retained wall and boundary wall of the adjacent properties;
- (9) That the boundary wall of the adjoining property shall be rendered and made good to match;

and the following standard conditions:

- (10) 5005 – Tree Preservation Order
- (11) 5006 – Preserve Existing Trees
- (12) 7008 – Construction Noise
- (13) 9151 – Construction Hours
- (14) 8508 – Signs Erected on Building and Demolition Site
- (15) 9163 – Demolition to Comply With Australian Standard
- (16) 9104 – Comply With BCA
- (17) 9155 – Construction certificate Required

(18) 3029 – Obstruction of Public Way

(B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

20.

CLEVELAND STREET, NOS. 475-489 REDFERN - INSTALLATION OF 17KL UNDERGROUND LPG VESSEL - DEVELOPMENT APPLICATION (U98-00823)

(A) That the Council as the responsible authority grants its consent to the application submitted by Hazkem Pty Ltd for permission to install an LPG Gas Tank at Nos. 475 – 489 Cleveland Street, Redfern, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with drawing 79186 dated 2 July 1998;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1,500 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$200, or first instalment (as applicable), can be paid to the Council, provided that a completed levy payment form accompanies the payment;
- (4) That parking or vehicle standing on the forecourt shall not impede tanker egress;
- (5) That tankers shall move onto and off the site in a forward direction;
- (6) That forecourt markings shall be used to detail the unloading position. These markings shall also indicate the direction which the tanker should be facing;

GENERAL MANAGER

- (7) That tanker unloading shall occur only between the hours of 9:00am and 4:00pm;
- (8) That the applicant shall comply with Clauses 9, 9.1, 9.2 and 9.21 of Australian Standard 2430 with respect to the delineation of hazardous areas;
- (9) That all relevant sections of the BCA shall be complied with;
- (10) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (11) That any excavation, demolition and building work shall comply with Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;
- (12) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (13) That all proposed work shall be wholly within the boundaries of the site;
- (14) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane.
 - (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;

- (15) That the LPG tank shall be installed and maintained in accordance with the Work Cover Authority's requirements;
- (16) That a soil which is contaminated and removed from the site is to be treated and disposed of in accordance with the requirements of the Environment Protection Authority;

and the following adopted standard conditions:

- (17) hsc100 - Removal of spoil from site;
- (18) hsc102 - Quantities of materials covered by Dangerous Goods Act;
- (19) hsc101 - Not give rise to emissions into the environment;
- (20) hsc111 - Liquid wastes to sewer;
- (21) hsc801 - Noise from premises;

NOTE: The possibility of excavated soil being contaminated should be considered and appropriate steps put in place prior to excavation commencing. If any evidence of soil or groundwater contamination comes to light during excavation, an assessment should be made by an experienced environmental consultant. Treatment or disposal of any contaminated soil should be carried out in accordance with environment protection legislation and in such a way as to minimise the emission of odours in the vicinity of residential premises. For information regarding approval for disposal of contaminated soil, contact should be made with the EPA's Hazmat Advice Unit on 9325 5686.

NOTE: Sediment controls during excavation should be put in place to ensure that no sediment-laden water enters any stormwater drain.

The reason for Council granting consent, subject to the above conditions, is:-

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood and would not be in the public interest.

- (B) That the person who made representations in respect of the proposal be advised of Council's decision.

At the request of Councillor Lay, and by consent, the motion was amended by the deletion of condition (7) of the recommendation and the insertion in lieu thereof, of the following new condition (7), namely:-

- (7) That tanker unloading shall occur only between the hours of 9.00 a.m. and 4.00 p.m. and 8.00 p.m. and 11.00 p.m.

Motion, as amended by consent, carried.

21.

LANG ROAD, NO. 104, CENTENNIAL PARK - PROPOSED ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U98-00580)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the application be deferred and the applicant be invited to submit amended plans reducing the height and bulk of the proposed building to the laneway
- (B) That when this matter is resubmitted to Council the appropriate officer's report deal with the issue of noise from plant associated with the swimming pool and the need for appropriate conditions.

Carried.

22.

CLEVELAND STREET, NO.358, SURRY HILLS - USE AS PLACE OF PUBLIC ENTERTAINMENT - DEVELOPMENT APPLICATION (U98-01069)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Con Papapaulou, for permission to use the existing restaurant as a place of public entertainment on Friday and Saturday nights between 8pm to 12 midnight, subject to the following conditions, namely:-
 - (1) That the hours of public entertainment be restricted to between 8pm and 12 midnight Friday and Saturday;
 - (2) That there be a maximum of two entertainers performing on the premises at any one time;
 - (3) That at no time shall the live entertainment be amplified;
 - (4) The L_{A10} noise level emitted from the licensed premises shall not exceed 5dB above the background (L_{A90}) noise level in any

GENERAL MANAGER

Octave Band Centre Frequency (31.5 Hz to 8 KHz inclusive) between the hours of 7.00am to 12.00pm (midnight) when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises

- (5) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
 - (6) That the air handling system to the building shall be maintained in a manner that will provide an acceptable indoor air quality that will not affect the fire integrity of the building;
 - (7) That toilet, sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2.
 - (8) The premises be provided and maintained with at least three (3) water closets, two (2) wash hand basins and adequate means of disposal of sanitary towels for females and at least two (2) water closets, three (3) urinals (or additional water closets) and two (2) wash hand basins for males for use by patrons and staff, in accordance with the Building Code of Australia, Part F2, Table F2.3;
 - (9) That the total number of staff and seating for patrons shall not exceed three hundred (300) comprising of the existing two hundred and eighty (280) seats for patrons and up to twenty (20) staff, including owners and managers using the premises.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

23.

RAPER STREET, NOS. 2 - 4, SURRY HILLS - EXTEND HOURS OF OPERATION - DEVELOPMENT APPLICATION (U98-00756)

- (A) That the Council as the responsible authority grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment (Amendment) Act 1979 to the development application submitted by the Brett Whiteley Foundation, with the authority of the Art Gallery of NSW, for permission to use the abovementioned premises between 4.00pm and 9.00pm, one day per week, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has provided details of the following matters which shall be submitted within three months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to the hours of operation specified in condition (3) becoming operative;
 - (a) Submission of Plan of Management for the site in accordance with Condition (4)
 - (b) Works to ensure that the windows at the eastern elevation are unable to be opened in accordance with Condition (5).
- (2) That the overall hours of operation shall be restricted to between 10.00am and 4.00pm, Thursdays (by appointment only), Saturdays and Sundays, and on up to 8 additional days per month;
- (3) That notwithstanding condition (2), the premises may operate between 4.00pm and 9.00pm once per week and a register shall be kept and be available for inspection showing the days on which the premises were open beyond 4.00pm ;
- (4) That the applicant shall submit a Plan of Management for the site. The Plan of Management shall include details of:
 - (a) Methods implemented by the Brett Whiteley Studio to ensure that queuing does not occur outside the premises, in accordance with Condition (10);
 - (b) Transport management procedures to ensure that bus operators do not park or drive up Davies Street, Raper Street, Esther Street or Violet Street, in association with the premises, in accordance with Condition (6);
 - (c) Procedures implemented by the Brett Whiteley Studio to encourage utilisation of public transport by patrons of the Studio and to discourage parking in surrounding streets in accordance with Condition (9);
- (5) That the applicant undertake appropriate works to the eastern elevation windows to ensure that they cannot be opened. (The Brett Whiteley Studio is advised to notify the Director of Planning and Building of the completion of the work so an inspection can be arranged);
- (6) That any buses associated with the use shall not enter Davies Street, Raper Street, Esther Street or Violet Street;
- (7) That a maximum of 60 persons may attend the premises at any time;

- (8) That the entry door to the studio shall be kept closed at all times, except to allow persons to enter and leave the premises;
- (9) That all publicity material associated with the studio shall state that parking is not available in Davies Street and Raper Street;
- (10) That adequate waiting areas shall be incorporated inside the premises, and that appropriate management procedures shall be implemented so that no queuing occurs outside the premises;
- (11) That the use of the premises shall not give rise to:-
 - (a) Transmission of vibration to any place of different occupancy:
 - (b) A sound level in any place of different occupancy greater than 3dB above the L90 background level in any octave band from 31.5Hz centre frequencies inclusive; however, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing as specified by the equal loudness contours for octave bands of noise, this sub-clause shall not apply to any frequencies:
 - (c) A sound level at any point on the boundary of the site greater than the levels specified in Australian standard 1055-1984:
 - (d) An "offensive noise" as defined in the Noise Control Act 1975:

-the method of measurement of sound levels in (b) and (c) shall be carried out in accordance with Australian Standard 1055-1984

(The applicant is advised that various works may be required on the site to ensure adequate soundproofing so as to comply with this condition);

- (12) That a separate application shall be submitted to use the place as a Place of Public Entertainment, and that all public entertainment, such as that which has been advertised in the publicity material (including live vocal and instrumental performances) shall cease;
- (13) That service vehicles associated with the museum shall not cause obstruction along Raper Street at any time;
- (14) That at no time shall food and drinks be sold on the premises;

- (15) That a separate application shall be submitted at the appropriate time for any proposed signs.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

At the request of Councillor Lay, and by consent, the motion was amended by the deletion of the whole of the resolution and the insertion in lieu thereof, of the following new resolution, namely:-

- (A) That the Council as the responsible authority grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment (Amendment) Act 1979 to the development application submitted by the Brett Whiteley Foundation, with the authority of the Art Gallery of NSW, for permission to use the premises between 4.00pm and 9.00pm, one day per week, subject to the following conditions:-
- (1) That the consent shall not operate until the applicant has provided details of the following matters which shall be submitted within three months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to the hours of operation specified in condition (3) becoming operative;
- (a) Submission of Plan of Management for the site in accordance with Condition (6);
- (b) Proof of work having been done to ensure that the windows at the eastern elevation are unable to be opened in accordance with Condition (7);
- (c) Submission of an acoustic report in accordance with Condition (14);
- (d) Submission of a Place of Public Entertainment application in accordance with condition (4);
- (2) That the overall hours of operation shall be restricted to between 10.00am and 4.00pm, Thursdays (by appointment only), Saturdays and Sundays, and on up to 8 additional days per month;
- (3) That notwithstanding condition (2), the premises may operate between 4.00pm and 9.00pm once per week and a register shall be kept and be available for inspection showing the days on which the premises were open beyond 4.00pm ;

- (4) That the applicant shall submit an application to use the premises as a Place of Public Entertainment during the hours shown in Condition (2) and (3);
- (5) That up until the issuing of an amended authorisation to use the premises as a place of Public Entertainment (as required by Condition 4) the conditions of the existing Public Entertainment Certificate issued by Council on the 17 February 1995 (Ref No.00141) shall be complied with;
- (6) That the applicant shall submit a Plan of Management for the site. The Plan of Management shall include details of:
 - (a) Methods implemented by the Brett Whiteley Studio to ensure that queuing does not occur outside the premises, in accordance with Condition (12);
 - (b) Transport management procedures to ensure that bus operators do not park or drive up Davies Street, Raper Street, Esther Street or Violet Street, in association with the premises, in accordance with Condition (8);
 - (c) Procedures implemented by the Brett Whiteley Studio to encourage utilisation of public transport by patrons of the Studio and to discourage parking in surrounding streets in accordance with Condition (9);
 - (d) Methods to control noise so as to comply with Condition (13);
- (7) That the applicant undertake appropriate works to the eastern elevation windows to ensure that they cannot be opened. (The Brett Whiteley Studio is advised to notify the Director of Planning and Building of the completion of the work so an inspection can be arranged);
- (8) That any buses associated with the use shall not enter Davies Street, Raper Street, Esther Street or Violet Street;
- (9) That a maximum of 60 persons may attend the premises at any time;
- (10) That the entry door to the studio shall be kept closed at all times, except to allow persons to enter and leave the premises;
- (11) That all publicity material associated with the studio shall state that parking is not available in Davies Street and Raper Street;

- (12) That adequate waiting areas shall be incorporated inside the premises, and that appropriate management procedures shall be implemented so that no queuing occurs outside the premises;
- (13) That the use of the premises shall not give rise to:-
- (a) Transmission of vibration to any place of different occupancy;
 - (b) A sound level in any place of different occupancy greater than 3dB above the L90 background level in any octave band from 31.5Hz centre frequencies inclusive; however, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing as specified by the equal loudness contours for octave bands of noise, this sub-clause shall not apply to any frequencies;
 - (c) A sound level at any point on the boundary of the site greater than the levels specified in Australian standard 1055-1984;
 - (d) An "offensive noise" as defined in the Noise Control Act 1975:

-The method of measurement of sound levels in (b) and (c) shall be carried out in accordance with Australian Standard 1055-1984

(The applicant is advised that various works may be required on the site to ensure adequate soundproofing so as to comply with this condition);

- (14) That live entertainment such as live vocal and instrumental performances advertised in the publicity material shall cease until an acoustic report has been prepared by a suitably qualified engineer showing that the Brett Whiteley Studio is able to comply with Condition (13) on all occasions, and that, if necessary all necessary soundproofing works shall be undertaken prior to any entertainment being provided on the premises, details of which shall be submitted to Council in accordance with Condition (1);
- (15) That all live vocal and musical performances shall cease 6 months after the date that the consent becomes operative (the applicant is advised that a further application for the continuation of live entertainment may be lodged for Council's consideration prior to the expiration of the consent);
- (16) That any proposal to renew the consent to use the premises for live entertainment in accordance with Condition (15) shall be accompanied by an acoustic report prepared by an acoustic

engineer showing compliance with condition 13 as measured from the boundaries of the site on the following occasions:

- (a) when the premises is not operating;
- (b) when the premises is operating without live performances;
- (c) when the premises is operating with live musical and vocal performances;

The acoustic engineer shall give the dates and times when the measurements occurred and the type of live entertainment that was occurring;

- (17) That service vehicles associated with the museum shall not cause obstruction along Raper Street at any time;
- (18) That at no time shall food and drinks be sold on the premises;
- (19) That a separate application shall be submitted at the appropriate time for any proposed signs.

The reason for Council granting consent, subject to the above conditions, is:-

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood and would not be in the public interest.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Motion, as amended by consent, carried.

24.

PUBLIC EXHIBITION OF SOUTH SYDNEY (HERITAGE CONSERVATION) DCP, INCLUDING THE COOPER STREET PRECINCT AND STUDY (2011107)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That Council resolve to:-

- (a) adopt the Draft South Sydney (Heritage Conservation) DCP dated 2 December, 1998 as separately circulated to Council including refined information requirements for Heritage Development Applications;

- (b) adopt the South Sydney (Heritage Conservation) DCP as a policy for the assessment of development and building applications for draft heritage conservation areas and items of environmental heritage;
- (c) notify all residents of the Cooper Street precinct of its decision.

(DPB Report 27/11/98)

Carried.

25.

SOUTH SYDNEY "WASTE NOT" DRAFT DCP - EXHIBITION (2012515)

That Council resolve to publicly exhibit the Draft South Sydney 'Waste Not' DCP dated 2 December 1998 for 28 days and that a written report be submitted to Council following its exhibition.

(DPB Report 26/11/98)

Carried.

26.

BUCKNELL STREET, NO.31, NEWTOWN - ALTERATIONS AND ADDITIONS TO EXISTING TERRACE - DEVELOPMENT APPLICATION (U98-00802)

(At the Council Meeting, Councillor Lay declared an interest and did not take part in discussions or voting on the Item.)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

That the application submitted by DTB Architects Pty Ltd, for permission to carry out alterations to the existing terrace including an attic conversion at 31 Bucknell Street, Newtown, be deferred to allow for a legal opinion to be obtained from Council's Solicitors regarding the substantial commencement.

Carried.

27.

PARKING - FITZROY STREET AND FOVEAUX STREET, SURRY HILLS BETWEEN SOUTH DOWLING STREET AND CROWN STREET - PROPOSED TEMPORARY "CLEARWAY" CONTROLS (2006330)

That temporary introduction of "Clearway, 6.00am - 10.00am and 3.00pm - 7.00pm, Monday - Friday" controls along:

Fitzroy Street, Surry Hills, both sides;
South Dowling Street to Bourke Street; and
Foveaux Street, Surry Hills, northern side
Bourke Street to Crown Street;

-be deferred pending further response from the RTA.

(DPWS Report 2/12/98)

Carried.

28.

**COURTHOUSE HOTEL, GEORGE STREET, NOS. 106-110, REDFERN -
INCREASE HOURS OF HOTEL TRADING - DEVELOPMENT APPLICATION
(U98-00709)**

- (A) That the Council as the responsible authority grants its consent to the application submitted by Red Baron Enterprises, for permission to extend the trading hours of the hotel at Nos. 106-110 George Street, Redfern subject to the following conditions, namely:-
- (1) That the hours of operation shall be restricted to 7am to 12 midnight Monday through Saturday, and 11am to 10pm Sunday;
 - (2) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
 - (3) The L_{A10} noise level emitted from the licensed premises shall not exceed 5dB above the background (L_{A90}) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 KHz inclusive) between the hours of 7.00am to 12.00pm (midnight) when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises;
 - (4) That the noise from the licensed premises shall not be audible within any habitable room in any residential premises.

The reason for Council granting consent, subject to the above conditions, is: -

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, and would not be in the public interest.

GENERAL MANAGER

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

29.

WILSON STREET, NO.442, DARLINGTON - ALTERATIONS AND ADDITIONS TO EXISTING WAREHOUSE TO CREATE A RESIDENCE AND WORKSPACE - DEVELOPMENT APPLICATION (U97-01058)

That the application submitted by M.A. Jones (owner) for permission to demolish all but the masonry side walls and parapet at the front of the site and to erect a lower ground level garage at the rear; a ground level model making studio, bathroom and loading dock, and a 2 bedroom dwelling on the 2 additional upper floors with front and rear terraces at the first floor level and front and rear balconies at the second floor level, be deferred as requested by the applicant in fax dated 2 December 1998.

Carried.

30.

WILLIAM STREET, REDFERN, BETWEEN JAMES STREET AND STIRLING STREET - REVIEW OF PROPOSED NEW ALIGNMENT OF STREET (2006735)

This matter was dealt with at the Special Planning and Development Committee Meeting held on 8 December 1998, and the Committee recommended that the matter be submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That:-

- (a) Council supports in principle the widening of William Street, Redfern, between James Street and Stirling Street;
- (b) a further report on the mechanisms of implementation of the road widening proposal and its implications be forwarded to Council.

Carried.

31.

STIRLING STREET, NOS. 2-4, REDFERN - ERECTION OF TWO NEW TERRACES - DEVELOPMENT APPLICATION (U98-00917)

This matter was dealt with at the Special Planning and Development Committee Meeting held on 8 December 1998, and the Committee recommended that the matter be submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That determination of the application be deferred and Council negotiate with the owner regarding the acquisition of that part of the site needed to effect widening of William Street.

Carried.

32.

STANLEY STREET, NOS. 82-84, DARLINGHURST - APPLICATION TO AMEND CONSENT FOR RESIDENTIAL/COMMERCIAL BUILDING UNDER SECTION 102 (U98-00289)

(A) That the Council having considered an application pursuant to Section 102 of the Environmental Planning and Assessment Act by Bassett and Jones Architects on behalf of Kimberley Securities for the deletion from its consent for the erection of a building containing two restaurants and three flats granted on 4 June, 1998, of the following condition, namely:-

(9) That the lift tower shall be reduced in height by one floor;

-refuses its consent for the following reasons, namely:-

(1) That the higher lift tower would create a visual intrusion which would adversely affect the streetscape in Crown Street;

(2) That the visually separate lift tower would be out of character in a conservation area.

(B) That the persons who made representations in respect of the proposal be advised of Council's decision.

(C) That the applicant be advised that it would be desirable to incorporate any exhaust ducting into the part of the building fronting onto Stanley Street.

Carried.

33.

ELIZABETH BAY ROAD, UNIT 67/106, ELIZABETH BAY - DEVELOPMENT APPLICATION (U98-00763)

(A) That the Council as the responsible authority grants its consent to the application submitted by Mr C Lang, for permission to construct a new internal stairway leading from the unit to the roof area which will involve cutting a hole in the roof slab to accommodate the stairway, install a new sliding clear acrylic panel over the opening in the roof slab, and install associated handrails around the opening, subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$100 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development shall be generally in accordance with one unnumbered sheet, dated 4 August 1998;
- (4) That all building work must be carried out in accordance with the provisions of the Building Code of Australia.

-this does not apply to the extent to which an exemption is in force under clause 80H or 801 of the EPA Act Regulations 1998, subject to the terms of any condition or requirement referred to in clause 80H(6) or 801(4);
- (5) That building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
 - (a) in the case of work to be done by a licensee under that Act:

GENERAL MANAGER

- (i) has been informed in writing of the licensee's name and contractor licence number, and;
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or;
- (b) in the case of work to be done by any other person:
- (i) has been informed in writing of the person's name and owner-builder permit number, or;
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which the EPA Act 1998 Regulation was gazetted, that amount was \$3,000. As those regulations are amended from time to time, so that amount may vary.

A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part;

- (6) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;

- (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (7) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
 - (8) That the demolition work shall comply with Australian Standard 2601-1991;
 - (9) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
 - (10) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
 - (11) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

34.

BROADWAY NO.166 - USE GROUND FLOOR OF PREMISES AS A CLUB-DEVELOPMENT APPLICATION (U98-00965)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Alertnow Pty Ltd with the authority of Aluap Pty Ltd for permission to establish a club and operate as a Place of Public Entertainment on the ground floor at the abovementioned premises, subject to the following conditions, namely:-

GENERAL MANAGER

- (1) That the development shall occur generally in accordance with plans dated 24 September 1998;
- (2) That the hours of operation shall be restricted to between 10am to 12 midnight Mondays to Saturdays 10am to 10pm Sundays;
- (3) That performances shall be limited to one per week and also be limited to musical instrument renditions with no amplification;
- (4) That the proposed use shall be commenced within 6 months from the date of this consent and shall operate for a trial period of 12 months. The applicant is advised that a further development application may be lodged prior to the expiration of the trial period for Council's consideration for permanent approval;
- (5) That only the door on the corner splay fronting Broadway shall be used by patrons;
- (6) That the door fronting Shepherd Street shall be used for emergency purposes only;
- (7) That the alterations to any existing air handling systems shall not adversely affect the integrity of the existing systems approved by Council;
- (8) That plans and specifications showing details of:-
 - (a) all proposed and altered mechanical ventilation systems
 - (b) the garbage room;

-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (9) That the proposed Place of Public Entertainment shall be provided with an automatic smoke exhaust system complying with Specification E 2.2(b) of the BCA. Alternatively a sprinkler system shall be installed complying with Specification E1.5 of the BCA;
- (10) That the proposed Place of Public Entertainment shall be separated from the stairway leading to the first floor by construction having a minimum fire resistance level of 60/60/60;
- (11) That the upper levels of the premises shall remain vacant and secured to the satisfaction of Council;
- (12) That the number of patrons shall be restricted to 80 persons;

and the following adopted standard conditions:

- (13) hsc500 - Premises to be ventilated;
- (14) hsc018 - Sanitary facilities;
- (15) hsc200 - Compliance with Food Premises Code;
- (16) hsc700 - Compliance with code for Garbage Handling System;
- (17) hsc711 - Commercial contract (trade waste);
- (18) hsc801 - Noise from premises;
- (19) Comply With BCA⁹¹⁰⁴
- (20) Maintenance of Premises⁹⁷⁰⁴
- (21) Construction Certificate Required⁹¹⁵⁵
- (22) Access to Exits⁹⁷¹³
- (23) Panic Bolts on Egress Doors⁹⁷¹⁷
- (24) Promoter's Responsibility re Main Entrance Door⁹⁷²⁰
- (25) Doors in Path of Travel⁹⁷²¹
- (26) Curtains or Blinds⁹⁷²²
- (27) Fabric Used for Chairs⁹⁷²³
- (28) Separation of Entertainment Area⁹⁷²⁶
- (29) Separation of Storerooms⁹⁷²⁹
- (30) Electric Mains Installation⁹⁷³⁴
- (31) Lighting⁹⁷³⁵
- (32) Fastenings to Exit Doors⁹⁷⁶²
- (33) Swing of Exit Doors⁹⁸⁰³
- (34) Construction of Switchboard⁹⁸⁰⁶
- (35) Emergency Lighting⁹⁸⁰⁸
- (36) Exit Signs⁹⁸⁰⁹
- (37) Non-Slip Finish to Stair Treads⁹⁸¹⁸

- (38) Egress Paths to be Kept Clear⁹⁸⁵²
- (39) Certification of Electrical Installation⁹⁸⁵³
- (40) Inspection of Gas Installation⁹⁸⁵⁴
- (41) Hose Reels⁹⁹⁰¹
- (42) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (43) Fire Blankets⁹⁹⁰³
- (44) Hydrants⁹⁹⁰⁴
- (45) Sanitary Facilities⁷⁰¹⁶
- (46) Ventilation⁷⁰²³

The reason for Council granting consent, subject to the above conditions, is:-

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to the emission of noise and vibration, and would not be in the public interest.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

35.

FLINDERS STREET, NOS. 88-102, DARLINGHURST - REFURBISH TERRACES AND ERECT NEW TERRACES AT REAR - TOTAL OF 95 SELF CONTAINED UNITS PROPOSED - DEVELOPMENT APPLICATION - RECONSIDERATION OF AMENDED PLANS (U96-01105)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Gallego Holdings Pty Ltd (owner), for permission to carry out alterations and additions to existing terraces and to erect a new row of terraces for low cost accommodation for the following reasons, namely:-
 - (1) That the proposal is deficient in the amount of open space provided for the occupants of the premises as a residential flat building under DCP 1997;
 - (2) The non-compliance with the statutory floorspace ratio pursuant to LEP 107;

- (3) That the proposal is deficient in relation to the provision of car parking required for a residential flat building under DCP No.11 Transport Guidelines for Development;
 - (4) That in the long term the proposal would be responsible for an adverse impact on the stock of low cost accommodation in the area;
 - (5) That the proposal is not in the public interest;
 - (6) That the majority of proposed dwellings are deficient in area for self contained dwellings and represent poor amenity for future residents;
 - (7) That the proposed windows in the rear walls of the existing terraced houses pose unacceptable impact on the privacy of the residents in the proposed dwellings due to inadequate separation;
 - (8) That the proposal is an overdevelopment of the site and given the lack of open space and number of dwellings represents excessive density beyond the physical capacity of the site;
 - (9) That the proposal is totally deficient in detail relating to the area of the proposed new allotments in the development, the amount of floorspace and open space on each lot and the resultant floorspace ratios;
 - (10) That, as a boarding house the development is deficient in the provision of on site communal and service facilities including caretakers suite, recreational facilities, clothes drying facilities and open space;
 - (11) The amenity issues raised by objectors.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

36.

PARRAMATTA ROAD, NO.92, CAMPERDOWN - CHANGE FROM HOTEL TO REGISTERED CLUB - DEVELOPMENT APPLICATION (U98-00661)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Brenfire Pty Ltd, with the authority of Texi Pty Ltd, for permission to convert the existing hotel to a registered club

GENERAL MANAGER

(public entertainment) to operate 24 hours, subject to the following conditions, namely:-

- (1) That the above consent shall only operate upon the applicant surrendering consent U91-00065 as per the prescribed manner in Section 68 of the Environmental Planning and Assessment Amendment Act, 1998;
- (2) That nightclub/dance party activities shall be limited to Friday and shall cease at 1.00am;
- (3) That the first floor shall not be used for any nightclub/dance party activities;
- (4) That live entertainment or recorded music shall not be provided on the first floor unless it is provided as background music in conjunction with an organised event such as a wedding or formal occasion and admittance be by invitation only;
- (5) That no live entertainment or amplifiers shall be placed within or directed into the open courtyard/beer garden at the rear of the club;
- (6) That all entertainment provided on the premises shall not commence before 9.00am on any day, and shall cease in accordance with the following table, namely:
 - (a) Monday to Wednesday - 1.00am;
 - (b) Thursdays to Saturdays - 3.00am;
 - (c) Sundays - 12 midnight;
- (7) That the club shall adhere to the Registered Club Act, 1976;
- (8) That 10 licensed uniformed security personnel shall be employed to patrol the area in the vicinity of APIA Club and surrounding streets of Larkin Street, Sparkes Street and Barr Street from 9pm between Friday to Sunday to ensure the patrons of the premises do not loiter or linger in the area or cause nuisance or annoyance to the neighborhood;
- (9) That the all signs shall be removed except for "Club APIA" and "Major Sponsors of Leichhardt Tigers Soccer Club inc" including signage on the adjacent premises;
- (10) That a sign, legible from the street, shall be permanently displayed to indicate the availability of visitor parking, and visitor parking shall be clearly marked as such prior to occupation;

- (11) That unrestricted access shall be provided to those parking spaces and loading facilities required by this consent to patrons and staff of the subject use, by way of the following:
 - (a) Provide a management option which will provide the required 50 on site spaces allocated to the club in a readily accessible manner and that "car park full" signage be provided in Larkin Street, or;
 - (b) That the parking area remain open to patrons and that the allocated 50 spaces be available during hours of operation of the club;
- (12) That the existing loading dock shall be maintained for use in connection with the proposed development;
- (13) That at all times the loading docks, car parking spaces and access driveways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
- (14) That no garbage or industrial waste shall be placed on the public way (eg footpaths, roadways, plazas, reserves etc) at any time;
- (15) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (16) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (17) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;

The reason for Council granting consent, subject to the above conditions, is:-

Granting unconditional consent would be likely to adversely affect the amenity of the neighborhood, including adverse effects

relating to the emission of noise and vibration, and would not be in the public interest.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

37.

MARTIN ROAD, NO.18, CENTENNIAL PARK - ERECTION OF SIDE BOUNDARY FENCES - AMENDED BUILDING APPLICATION (Q90-00897)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Carroll and Carroll Architects for permission to amend Building Application Q98-00897 for the erection of a new building by the addition of side boundary fences, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with Drawing 1 dated July 1998;
- (2) That all building work must be carried out in accordance with the provisions of the Building Code of Australia;
- (3) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
- (4) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (5) That new work including footings shall not project beyond the street alignment or boundaries of the allotment.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

38.

BOURKE STREET, NO.414, SURRY HILLS - TO USE THE UPPER FLOOR OF AN EXISTING BUILDING AS A SWINGERS CLUB - DEVELOPMENT APPLICATION (U98-00884)

- (A) That the Council as the responsible authority grants its deferred commencement consent pursuant to Section 88B of the Environmental Planning and Assessment (Amendment) Act 1997 to the application submitted by R Lonza and J Vassallo with the authority of R Hayter and R Fountain, for permission to use the upper floor of an existing building as a swingers club (sex on premises venue), subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has provided a plan of management, which shall be approved in writing by the Director of Planning and Building, and which shall incorporate the following:
 - (a) details of control of noise on premises;
 - (b) methods of limiting the number of clients of either sex on the premises at any one time;
 - (2) That the development shall be generally in accordance with plans lodged with the development application and with the accompanying statement of environmental effects;
 - (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (4) That an application for a Construction Certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
 - (5) That the use shall not commence until work in accordance with the Construction Certificate has been carried out and signed off by the Council as acceptable;
 - (6) That the hours of operation shall be restricted to 7.30p.m to midnight Sundays to Thursdays and 7.30 p.m. to 1.00 a.m. Fridays and Saturdays for a period of 12 months from the date of

GENERAL MANAGER

commencement of the use and shall then revert to 7.30 p.m. to midnight on all days unless a further development application is lodged and consent granted;

- (7) That no alcohol shall be provided either free or for sale on the premises;
- (8) That the premises shall not be used as a brothel;
- (9) That no soliciting shall take place either within or outside the premises;
- (10) That a separate Development Application shall be submitted at the appropriate time for any proposed signs;
- (11) That all bathrooms, habitable rooms, shower rooms, toilets, food preparation areas, garbage room and laundries not provided with adequate natural ventilation shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
- (12) The proprietor shall provide an adequate supply of condoms, dental dams and water based lubricant free of charge for club members;
- (13) The proprietor shall provide written information, i.e. pamphlets and brochures, for club members on sexually transmitted infectious diseases in a variety of languages including those of any club member who has difficulty communicating or reading the English language;
- (14) The premises shall be provided with adequate lighting in accordance with Australian Standard 1680;
- (15) That the construction of the food preparation and storage area(s) shall comply with the requirements of National Code for the Construction and Fitout of Food Premises to the satisfaction of the Director, Health and Community Services Department;
- (16) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste Management/Minimisation Fact Sheets";
- (17) That a garbage room shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets';

- (18) That no trade wastes shall be stored in the public way at any time;
- (19) That plans and specifications showing details of:-
- (a) all proposed mechanical ventilation systems;
 - (b) all required mechanical ventilation systems;
 - (c) the location of exhaust/and intake vents;
 - (d) the garbage room;
 - (e) sanitary facilities;
 - (f) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

- (19) That the stairway shall be separated from the ground floor area by construction having a minimum fire resistance level of 60/60/60;
- (20) That the ceiling beneath the first floor shall be constructed of material having resistance to the incipient spread of fire of one hour;
- (21) That a suitable smoke/fire alarm system shall be installed throughout the building;
- (22) That the premises shall not be used as a Place of Public Entertainment;

and the following adopted standard conditions:

- (23) HSC500 - Premises to be ventilated;
- (24) HSC301 - Cooking of food only if air handling system is provided;
- (25) HSC518 - Exhaust vent;
- (26) HSC401 - Cleanliness of premises
- (27) HSC402 - Clean linen
- (28) HSC403 - Linen receptacles
- (29) HSC404 - Changing of linen
- (30) HSC405 - Laundering
- (31) HSC411 - Contaminated waste disposal

- (32) HSC111 - Liquid wastes to sewer;
- (33) HSC711 - Commercial contract (trade waste);
- (34) HSC715 - Trade waste;
- (35) HSC801 - Noise from premises;
- (36) Construction Certificate Required⁹¹⁵⁵
- (37) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (38) Hose Reels be Installed⁹⁵⁰⁶
- (39) Hose Reels be Installed⁹⁵⁰⁶
- (40) Hydrants be Installed⁹⁵⁰⁷
- (41) Emergency lighting⁹⁵¹⁸
- (42) Exit signs⁹⁵¹⁹
- (43) Good Housekeeping⁹⁸⁵¹
- (44) Egress Paths to be Kept Clear⁹⁸⁵²
- (45) Certification of Electrical Installation⁹⁸⁵³
- (47) That no persons (such as those commonly known as spruikers) shall be located on Council owned property, the subject property or any other property so as to publicise the use of the subject premises.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

At the request of Councillor Bush and by consent, the motion was amended by the addition of a Clause (C) to the recommendation, namely:-

- (C) That the application be for a trial period of 12 months after which a further application shall be lodged to the Director of Planning and Building.

Motion, as amended by consent, carried.

39.

PLANNING - DRAFT LOCAL ENVIRONMENTAL PLAN 1998 - AMENDMENT NO. 1 - MIXED USE DEVELOPMENT - CLAUSE 37 (2015554)

This matter was dealt with at the Special Planning and Development Committee Meeting held on 8 December 1998, and the Committee recommended that the matter be deferred to the first Planning and Development Committee Meeting to be held on 3 February 1999.

Carried.

40.

LANDSCAPE CODE - APPROVAL TO EXHIBIT (P58-00257)

That approval be given to display the proposed South Sydney Landscape Code at Councils Administrative offices, No. 140 Joynton Ave, Zetland and Kings Cross Library, Kings Cross, for public comment, for a period of six weeks, and that the code also be advertised in the local newspapers.

(DPWS Report 27/11/98)

Carried.

41.

REGENT STREET, NO.28, PADDINGTON - ERECTION OF A DETACHED DOUBLE STOREY BUILDING CONTAINING A BATHROOM - DEVELOPMENT APPLICATION (U98-00885)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Dr N M Kearney, for the erection of an outbuilding and associated fencing, subject to the following conditions, namely:
- (1) That the development shall be generally in accordance with plans numbered DA-01 and DA-02, dated September 1998 as amended by condition (3);
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided

GENERAL MANAGER

that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (3) That the floor to ceiling heights of each floor be a maximum of 2000mm and that the parapet be reduced to a maximum of two courses only above the metal roof. Details shall be submitted with the Construction Certificate;
- (4) That the outbuilding shall be of painted brickwork and simple joinery detailing and shall comprise a corrugated metal roof. All details shall be submitted with the Construction Certificate.
- (5) That the new windows in the front elevation shall be constructed in timber joinery;
- (6) That the outbuilding shall not be used for habitable purposes at any time;
- (7) That the use of the premises shall remain as dwelling in single occupation only;
- (8) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
 - (a) external finishes to walls;
 - (b) roofing;
 - (c) balcony treatment;
 - (d) proposed fences;
 - (e) windows and doors;

and such materials shall respect and be consistent with the attributes and character of the surrounding area;

- (9) That any external glazing shall have a reflectivity not exceeding 20%;
- (10) That a report be prepared by a suitably qualified Arborist indicating the details of the proposed method of protection of the Eucalyptus nicholi. The dripline of the existing Eucalyptus is to be protected from root cutting or compaction. All details shall be submitted to Council with the Construction Certificate;
- (11) That all Ivy and deadwood be removed from the Eucalyptus to allow the tree to maintain good vigour;
- (12) That the proposed doorway and stone step on the Gordon Street frontage (northern elevation) be deleted from the proposal and

replaced with a window. Details to be submitted with the Construction Certificate;

- (13) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater drainage system, in accordance with Council's requirements;
- (14) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (15) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (16) That plans and specifications showing details of all required mechanical ventilation systems shall be submitted and approved by Council or an accredited certifier before a 'Condition Certificate' is issued;
- (17) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (18) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (19) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes;
- (20) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (21) That all relevant sections of the BCA shall be complied with;
- (22) That an application for a Construction Certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;

- (23) That all proposed work shall be wholly within the boundaries of the site;
- (24) That all excavations and backfilling must be executed safely and in accordance with appropriate professional standards;
- (25) That the requirements of the Work Cover Authority shall be complied with;
- (26) That no structural work shall be commenced until the Construction Certificate is issued by the certifying authority;
- (27) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (28) That where a structural member is subject to attack by subterranean termites provision shall be made for:-
 - (a) Physical barriers in accordance with AS 1694
 - (b) Soil treatment in accordance with B1.3 of the BCA and AS 2057

The reason for Council granting consent, subject to the above conditions, is:-

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood and would not be in the public interest.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

42.

LAWRENCE STREET, NO. 185, ALEXANDRIA - NEW TWO STOREY TERRACE WITH A REAR CARPORT - BUILDING APPLICATION (Q98-00421)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants approval in principle to the application submitted by Mr David Aubrey for permission to erect a new two storey dwelling with a rear carport at the abovementioned

GENERAL MANAGER

premises, as unconditional consent would be contrary to the provisions of the Act. This approval which is "in principle" only shall not operate until all works in the attached schedule have been completed to the satisfaction of Council and the written consent of Council to operate has been given (schedule, see attached).

- (B) That subject to compliance with conditions in Part A above conditional approval is granted, all in accordance with the submitted (amended) unnumbered plan dated 29 July, 1998, subject to the following conditions, namely:-
- (1) That compliance shall be given to the conditions of the Director of Health and Community Services contained in the accompanying report dated 27 May 1998;
 - (2) That the developer shall make application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works;
 - (3) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
 - (4) That stormwater shall be disposed from the site in accordance with the Director of Public Works and Services' standard requirements;
 - (5) That during demolition/building work the public way shall not be obstructed by building materials or in any way whatsoever;
 - (6) That refuse skips shall be delivered and placed on the public way only by approved suppliers who comply with Council's code for the placement of waste containers on the public way;
 - (7) That to eliminate concrete and other wastes entering the drainage system, the washing down of concrete trucks and trucks used for the disposal of spoil shall be carried out in a suitable off-street area and not in the public way, in accordance with the requirements of the Director of Public Works and Services;
 - (8) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;

- (9) That proposed materials details of external walls, balcony treatment and windows and doors including colours and finishes shall be submitted for approval;

and the following adopted standard conditions:

- (10) BC2 - Compliance with Local Government Act 1993;
- (11) BC3 - Compliance with conditions on plan;
- (12) BC7 - Submit details as per Health Report;
- (13) BC8 - Details of contractor;
- (14) BC11 - Inform Council for inspections;
- (15) BC15 - Approval relates to coloured work;
- (16) BC20 - Premises to remain as single dwelling;
- (17) BC32 - Windows and doors to be in timber joinery;
- (18) BC62 - Survey Certificate for setup of building;
- (19) BC63 - Survey Certificate for finished building;
- (20) BC111 - Hours of work;
- (21) BC113 - Work to comply with noise standards;
- (22) BC116 - New work not to encroach boundaries;
- (23) BC167 - Structural details and certification to be submitted;
- (24) BC170 - Structural certificate upon completion;
- (25) BC175 - Comply with Timber Framing Code;
- (26) BC176 - Approval for permanent work only;
- (27) BC186 - No structural work until approval granted;
- (28) BC189 - Termite protection;
- (29) BC337 - Construction of boundary walls;
- (30) BC352 - Glazing materials;
- (31) BC529 - Smoke alarm systems;

- (32) BC601 - Water closets and shower compartments;
 - (33) BC602 - Clothes washing and drying facilities;
 - (34) BC603 - Damp and weatherproofing;
 - (35) BC608 - Ceiling heights;
 - (36) BC609 - Natural light and ventilation;
 - (37) BC617 - Rain or dampness penetration;
 - (38) BC618 - Flashing to be provided;
 - (39) HSC800 - Use of appliances emitting intrusive noise.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

43.

GARDEN STREET, NO. 73, ALEXANDRIA - RENOVATION OF TOWN HALL TO CONFORM WITH HERITAGE STUDY - DEVELOPMENT APPLICATION (U98-00935)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by D Cochrane, on behalf of the City of South Sydney (owner) for permission to renovate the existing Alexandria Town Hall to conform with the Conservation Management Plan for the site and the requirements of the Building Code of Australia, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with drawings numbered DA 01 and DA 02 dated August 1998;
 - (2) That all works proposed under this development application shall be carried out in accordance with the provisions of the Conservation Management Plan prepared by Rod Howard Heritage Conservation Pty. Ltd. dated October 1997;
 - (3) That the uppermost landing of the proposed emergency exit stairwell shall be fully enclosed on its southern and western sides, and roofed, using a design and materials that are consistent with the provisions of the Conservation Management Plan for the site

GENERAL MANAGER

and to the satisfaction of the Director of Planning and Building;

- (4) That a Plan of Management shall be prepared for the building as a community facility, outlining operational and facility management procedures, and detailing appropriate acoustic treatments to mitigate the levels of noise emanating from the building. This plan should be prepared prior to the issuing of a Construction Certificate for the proposed works;
- (5) That a suitably qualified and experienced Heritage Practitioner shall be engaged to assist in preparing the construction documentation and to supervise all works to be carried out on the building;
- (6) That internally, new sections of skirting shall match existing profiles;
- (7) That the proposed alterations to the exterior shall where possible, conform with traditional construction and detail;
- (8) That a photographic recording of the building shall be carried out in accordance with the document entitled "Guidelines for Photographic Recording of Heritage sites, Buildings and Structures: prepared by the Department of Planning and Heritage Council of New South Wales, June 1994. This recording is to be submitted to the satisfaction of the Director of Planning and Building prior to the release of the Construction Certificate;
- (9) That during the carrying out of works, any discoveries such as paint schemes, decorative detailing and fittings shall be recorded and if appropriate a sample of such items retained;
- (10) That schedule of materials and colours scheme of external finishes, details of security grills, details of the new awning, details of the new front doors, gates and fences shall be submitted, to the satisfaction of the Director of Planning and Building, prior to the release of the Construction Certificate;
- (11) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater drainage system, in accordance with Council's requirements;
- (12) That all works shall take place in accordance with the Building Code of Australia;

and the following adopted standard conditions:

- (13) Alteration of Public Services¹⁰⁰⁶
- (14) Builders Hoarding Permit¹⁰⁰⁸
- (15) Alignment Levels¹⁰¹⁶
- (16) Disabled Entry³⁰²⁴
- (17) Obstruction of Public Way³⁰²⁹
- (18) Stormwater Standard⁴⁰⁰¹
- (19) Refuse Skips⁶⁰⁰²
- (20) Garbage Room/Receptacle⁶⁰¹¹
- (21) Construction Noise⁷⁰⁰⁸
- (22) Construction Hours⁹¹⁵¹
- (23) Works Within Boundary⁹¹⁵²
- (24) Building/Demolition Noise Control⁹¹⁵⁶
- (25) HSC500 - Premises to be ventilated;
- (26) HSC501 - Plans and specification of ventilation;
- (27) HSC018 - Sanitary facilities;
- (28) HSC700 - Compliance with code for Garbage Handling System;
- (29) HSC801 - Noise from premises;
- (30) That as part of the refurbishment of the Town Hall security gates at the rear of the property shall be replaced.

Notes:

- (1) That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to fall, descent, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures.

- (2) It should also be noted that any future acoustics measures that may need to be implemented should involve minimum interference with the existing fabric of the building. Depending on the nature of these measures a separate Development Application may be required.

The reason for Council granting consent, subject to the above conditions, is:

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood and would not be in the public interest.

- (B) The applicant be advised that the applicant may be liable for prosecution under the Local Government Act 1993 for breach of an approved condition.
- (C) That the person who made representations in respect of the proposal be advised of Council's decision.

Carried.

44.

VICTORIA STREET, NOS. 394 - 404, DARLINGHURST - ERECTION OF AN UNDERGROUND FIVE LEVEL CAR PARK - ST VINCENTS HOSPITAL - DEVELOPMENT APPLICATION (U98-00486)

(At the Council Meeting, Councillor Macken declared an interest and did not take part in discussions or voting on the Item.)

- (A) That the Council as the responsible authority grants its consent to the application submitted by St Vincent's Hospital for the construction of an underground car park subject to the following conditions, namely:-
- (1) That the consent shall be generally in accordance with submitted plan A.DO.DC-EX, 01, 02, 03 and SC01;
- (2) That one level shall be deleted equivalent to approximately 50 spaces;
- (3) That the parking station operate so as to provide 55 of the additional car spaces for staff members and the remainder for visitors and patients;
- (4) That the layout of the parking area shall comply with the Building Code of Australia and the criteria in the Advisory Notes on Access to premises by the Human Rights and Equal Opportunities Commission, details of compliance to be submitted with the Building Application;

GENERAL MANAGER

- (5) That a plan of construction management shall be provided to the Council prior to the commencement of any work on site on issue of building approval, detailing construction vehicle access routes and the means to be used for the minimisation of noise, dust and vibration nuisance. This shall include details of how these matters will be monitored and by whom and will provide that a report on these matters shall be submitted to the Council every 14 days during the excavation and construction period;
- (6) That the Hospital shall provide a community hotline, during the excavation and construction period and take action to make the telephone number known to the public together with a projected timetable of building work;
- (7) That construction and excavation shall be carried out in accordance with the Environmental Protection Authority Guidelines and the Noise Control Act;
- (8) That in the event that construction of the temporary building above the car park is delayed, discussions be held between the Hospital and the Council's Parks Development Branch regarding temporary landscaping;
- (9) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (10) That the car park shall be ventilated in accordance with Australian Standard 1668.1 – 1991 Section 7 and Australian Standard 1668.2 Section 4;
- (11) That all masonry air ducts and plant rooms shall be cement rendered and finished to ensure that the ducts and plant rooms are air-tight;
- (12) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, odours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health;
- (13) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (14) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or

- (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;
- (15) That details shall be provided to Council regarding the control/ treatment of drainage/water runoff from the proposed car park;
 - (16) That not fewer than eight car spaces for the disabled shall be provided, dimensioned in accordance with Australian Standard AS2890.1 including headroom of 2.5m, conveniently located near lifts and entrances and clearly marked;
 - (17) That any spaces shorter than 5.4m shall be clearly marked as small car spaces;
 - (18) That a near level street transition at a maximum grade of 1:20 shall be provided for at least the first 6m inside the building line in addition to any ramp transitions;
 - (19) That the Hospital shall consult with the Council's Department of Public Works and Services on the development of traffic management and landscape design to maintain the principles of traffic calming and pedestrian safety and amenity;
 - (20) That notwithstanding condition (23) demolition and excavation shall only take place between the hours of 7.30 a.m. and 4.00 p.m. on Mondays to Fridays and on Saturdays between 7.30 a.m. and 1.00 p.m. on Saturdays;
 - (21) That the traffic entry points to Victoria Street shall be redesigned to maximise on-site queuing and pedestrian amenity to the satisfaction of the Director of Planning and Building;

and the following adopted standard conditions:

- (22) LDA261 - Washing down of trucks;
- (23) LDA376 - Hours of building work;
- (24) LDA377 - Construction noise regulation;
- (25) LDA384 - New alignment levels;
- (26) LDA386 - Road Opening Permit;

- (27) LDA387 - Footway crossings;
 - (28) LDA389 - Stormwater disposal requirements;
 - (29) LDA392 - No obstruction to public way;
 - (30) LDA394 - Cost of alteration to signposting;
 - (31) LDA396 - Works within boundaries;
 - (32) LDA414 - Costs for alterations to public services.
- (B) That the applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
- (1) That all relevant sections of the BCA shall be complied with;
 - (2) That additional exits shall be provided that shall comply fully with the requirements of Part D of the BCA with particular attention directed to Clauses D.1.2, D.1.4 and D.2.10 of the BCA;
 - (3) That smoke hazard management shall comply fully with the requirements of Clause E.2.2 of the BCA.
- (C) That the Hospital be advised that this consent does not imply the Council's endorsement of the matters contained in the draft Masterplan, which must be the subject of future detailed Development Applications.
- (D) That the Council notes that it would be unlikely to favour the inclusion of parking elsewhere on site in any future applications received as a result of the Master Plan.
- (E) That the Hospital be advised that the scale of the car park is such that the Council in the public interest, may consider the traffic calming measures between Burton and Oxford Streets.
- (F) That the persons who made representations in respect of the proposal be advised of Council's decision.

At the request of Councillor Lay and by consent the motion be amended by the deletion of condition (2) of the recommendation and the insertion in lieu thereof, of a new condition (2) namely:-

- (2) That level B2 spaces shall be deleted from the proposal in addition to 20 spaces in the De'Lacey Courtyard.

Motion, as amended by consent, carried.

45.

**PLANNING - SECTION 94 CONTRIBUTIONS PLAN 1998 - REVIEW
INCORPORATING GREEN SQUARE, 1996 CENSUS DATA AND MINOR
AMENDMENTS (2016904)**

This matter was dealt with at the Special Planning and Development Committee Meeting held on 8 December 1998, and the Committee recommended that the matter be deferred until a decision has been reached on Item 46 on the Planning and Development Committee in relation to the Green Square DCP and LEP.

At the request of Councillor Lay, and by consent, the motion was amended by the deletion of the whole of the resolution and the insertion in lieu thereof of the following new resolution, namely:-

That further consultation and meetings be conducted with all stakeholders on possible changes to the DCP and LEP and due to the importance of the matter, a Special Planning and Development Committee Meeting be convened and that this meeting be advertised in the Sydney Morning Herald and the Daily Telegraph.

Motion, as amended by consent, carried.

46.

**PLANNING - GREEN SQUARE DRAFT LEP AND DCP - POST-EXHIBITION
REPORT (2019521)**

This matter was dealt with at the Special Planning and Development Committee Meeting held on 8 December 1998, and the Committee recommended that:-

- (a) the matter be deferred to the first Planning and Development Committee meeting to be held on 3 February 1999, to allow for further consultation and meetings to be conducted with all stakeholders on possible changes to the DCP and LEP;
- (b) if the meetings with all stakeholders mentioned in Clause (A) above are finalised prior to the first Committee Meeting of 1999, then due to the importance of the matter, a Special Planning and Development Committee meeting be convened, and that this meeting be advertised in the Sydney Morning Herald and the Daily Telegraph.

At the request of Councillor Lay, and by consent, the motion was amended by the deletion of the whole of the resolution and the insertion in lieu thereof of the following new resolution, namely:-

- (A) That further consultation and meetings be conducted with all stakeholders on possible changes to the DCP and LEP and due to the importance of the matter, a Special Planning and

Development Committee Meeting be convened and that this meeting be advertised in the Sydney Morning Herald and the Daily Telegraph.

- (B) That in view of the emergence of an ongoing need for transport planning for Green Square the current vacancy for a Town Planner in the Strategic Planning Section not be filled and that Council advertise for another Transport Planner (Grade 13) with vehicle, for which funds are available from current vacancies Code GQB

Motion, as amended by consent, carried.

47.

MEETINGS - OLYMPIC CO-ORDINATION AUTHORITY - CO-ORDINATION OF "URBAN DOMAIN PLANNING" IN SOUTH SYDNEY FOR THE SYDNEY 2000 OLYMPIC AND PARALYMPIC GAMES - SUPPLEMENTARY REPORT (T02-00172)

This matter was dealt with in Item 6 of the Planning and Development Committee.

Carried.

48.

BOTANY ROAD, NOS. 252 - 274, ALEXANDRIA MASTERPLAN FOR AND MAJOR REDEVELOPMENT OF FORMER ALCATEL SITE INCLUDING MASTERPLAN AND DEVELOPMENT PROPOSAL FOR 259 RESIDENTIAL STRATA UNITS, COMMERCIAL/RETAIL FLOOR SPACE WITH ANCILLARY CAR PARKING (U98-00748)

This matter was dealt with at the Special Planning and Development Committee Meeting held on 8 December 1998, and the Committee recommended that the matter be deferred until a decision has been reached on Item 46 on the Planning and Development Committee in relation to the Green Square DCP and LEP.

At the request of Councillor Lay, and by consent, the motion was amended by the deletion of the whole of the resolution and the insertion in lieu thereof of the following new resolution, namely:-

That further consultation and meetings be conducted with all stakeholders on possible changes to the DCP and LEP and due to the importance of the matter, a Special Planning and Development Committee Meeting be convened and that this meeting be advertised in the Sydney Morning Herald and the Daily Telegraph.

Motion, as amended by consent, carried.

49.

SOUTH DOWLING STREET, NOS. 807 - 851 (AKA. 782-822 BOURKE STREET, WATERLOO - THE MERITONS (FORMER ACI) SITE - PROPOSED MASTERPLAN (2010853)

This matter was dealt with at the Special Planning and Development Committee Meeting held on 8 December 1998, and the Committee recommended that the matter be deferred until a decision has been reached on Item 46 on the Planning and Development Committee in relation to the Green Square DCP and LEP.

At the request of Councillor Lay, and by consent, the motion was amended by the deletion of the whole of the resolution and the insertion in lieu thereof of the following new resolution, namely:-

That further consultation and meetings be conducted with all stakeholders on possible changes to the DCP and LEP and due to the importance of the matter, a Special Planning and Development Committee Meeting be convened and that this meeting be advertised in the Sydney Morning Herald and the Daily Telegraph.

Motion, as amended by consent, carried.

50.

JOYNTON AVENUE, NOS. 52 - 112, ZETLAND - VICTORIA PARK (FORMER NAVY SITE) - PROPOSED MASTERPLAN (2011178)

This matter was dealt with at the Special Planning and Development Committee Meeting held on 8 December 1998, and the Committee recommended that the matter be deferred until a decision has been reached on Item 46 on the Planning and Development Committee in relation to the Green Square DCP and LEP.

At the request of Councillor Lay, and by consent, the motion was amended by the deletion of the whole of the resolution and the insertion in lieu thereof of the following new resolution, namely:-

That further consultation and meetings be conducted with all stakeholders on possible changes to the DCP and LEP and due to the importance of the matter, a Special Planning and Development Committee Meeting be convened and that this meeting be advertised in the Sydney Morning Herald and the Daily Telegraph.

Motion, as amended by consent, carried.

51.

BROADWAY, NOS. 147 - 179 - REDEVELOPMENT STUDENT ACCOMMODATION, COMMERCIAL, HOTEL AND ADAPTIVE REUSE OF HERITAGE ITEMS - CONTRIBUTION INCLUDED IN CONSENT (U98-00588)

This matter was dealt with at the Special Planning and Development Committee Meeting held on 8 December 1998, and the Committee recommended that the matter be submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the Council as the responsible authority, pursuant to Section 80(3) of the Environmental Planning and Assessment Act, grants deferred commencement consent to the development application submitted by the Walker Corporation, with the authority of South Sydney Council, for permission to redevelop the site bounded by Broadway, Mountain Street, Smail Lane and Blackwattle Lane, subject to the following conditions, namely:-

- (A) That the consent shall not operate until the applicant has satisfied the requirements in (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) and (p) and details as to how it is proposed to comply have been incorporated in amended plans to the satisfaction of the Director of Planning and Building:
- (1) (a) That a minimum of 1100m² of private open space be incorporated into the development in the form of unit balconies consistent with the requirements of DCP97;
 - (b) That a minimum of 2600m² of communal open space be incorporated into the development in the form of roof-top open space. The roof-top open space is to include both active and passive forms of open space;
 - (c) That stack parking be eliminated from the car park design;
 - (d) That a maximum of 107 off street car parking spaces shall be provided for student residential accommodation, a maximum of 22 off street car parking spaces shall be provided for hotel accommodation, a maximum of 50 off street car parking spaces shall be provided for the educational facility and a maximum of 10 off street car parking spaces shall be provided for the retail shops on Broadway;
 - (e) That at least three disabled parking spaces be provided within the Level 1 car park (educational 2 and retail uses 1) and disabled parking shall be provided within the Level 1 car park having regard to the proposed number of disabled

GENERAL MANAGER

accessible units – all disabled parking spaces shall have a minimum height clearance of 2.5m;

- (f) That adequate motor bike/scooter parking facilities shall be provided for the residents, designed in accordance with AS2890.1 Section 2.4.7 to the satisfaction of the Director of Planning and Building;
- (g) That a minimum of 100 bicycle lockers (Class 1 facility in AS.2890.3) shall be provided in the Level 1 of the car park, a minimum of 20 bicycle lockers (Class 1 facility in AS.2890.3) shall be provided in the Education Section of the Level 1 Car park, a minimum of 10 “U” stands (Class 3 facility in AS.2890.3) shall be provided adjacent to the entry of College Square and a minimum of 10 “U” stands (Class 3 facility in AS.2890.3) shall be provided adjacent to the entry of the Educational Facility to the satisfaction of the Director of Planning and Building;
- (h) That four (4) loading bays, each measuring a minimum 3m x 6m shall be provided within the Level 1 car park close to the lifts;
- (i) That the ancillary driveway from the car park onto Blackwattle Lane be deleted and bicycle access onto the laneway provided to the satisfaction of the Director of Planning and Building;
- (j) That a 2500mm splay is incorporated into the corner of Blackwattle Lane and Smail Street;
- (k) That all car parking spaces shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, unless elsewhere stipulated, and shall be located and marked to the satisfaction of the Director of Planning and Building;
- (l) That the south-western corner of Blackwattle Lane/Wattle Place be modified as necessary to provide adequate maneuvering room for at least two (2) service vehicles (such as furniture vans and medium sized trucks) into the loading dock, with adequate provision made for passing vehicles, all to the satisfaction of the Director of Planning and Building;
- (m) That the applicant produce a Kerbside Management Plan to the satisfaction of the Director of Public Works & Services;
- (n) That the Howard Street infill building be re-designed and details submitted to the Director of Planning and Building

for approval. The glazed example shown at the bottom of Architectural Details Panel No.7 would be acceptable from a town planning perspective;

- (o) That the Developer submit a Deposited Plan to Council, detailing the area to be dedicated as Public Road;
 - (p) That the Developer submit a Deposited Plan to Council, detailing the area to be dedicated as Public Open Space;
 - (q) That the details required by conditions 1(a) to (p) above shall be submitted to Council within 12 months of the date of this deferred commencement and this consent shall not commence until written confirmation of Council's satisfaction in relation to all the above matters has been given by the Director of Planning and Building;
- (2) That the development shall be generally in accordance with the following submitted information:
- (a) plans numbered DA00 to DA28 and dated June 1998;
 - (b) photomontages (15);
 - (c) coloured elevations (3);
 - (d) 1:200 scale model, and;
 - (e) Architectural Detail Panels 1 to 7, inclusive.
- (3) That the floor to space ratio shall not exceed 3.63:1 (excluding FSR bonuses and exclusions) and that this be verified in the Building Application or Construction Certificate;
- (4) That the premises shall be operated in accordance with a plan of management which shall be written into by-laws of any strata plan of subdivision of the building - proposed by laws shall include a restriction on the use of the apartments to the effect that they can be used only for the purpose of student residential accommodation and they shall be submitted to Council for approval prior to the release of the strata plan;
- (5) That the proposed redevelopment of the Broadway Theatre building shall be the subject of a separate application to Council;
- (6) That the proposed garbage/recycling storage facilities shall accommodate the containerisation requirements of the Council's Waste Services Manager;
- (7) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions

Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$1,115,766	2E97001.BGY0
Open Space/Townscape/ Public Domain	\$ 338,851	2E97002.BGY0
Accessibility And Transport	\$ 4,382	2E97006.BGY0
Management	<u>\$ 16,959</u>	2E97007.BGY0
Total	\$1,475,958	

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

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

where:

C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the September Quarter 97/98 (Amend as applicable)

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made before the release of the construction permit / building approval.

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. To support a case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the

Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works.

- (8) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$274,447	2E97008.BGY0

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

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

where:

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made before the release of the construction permit / building approval.

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. To support a case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public

land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works;

- (9) That the developer shall provide a bank guarantee for \$100,000 to cover the contribution towards the closure of the Wattle Street slip lane pending a traffic and pedestrian study being carried out by Council to determine the appropriate level of contribution – the bank guarantee to be lodged with Council prior to the release of the Building Application;
- (10) The developer shall contribute \$15,000 for a study to consider available opportunities and implications of public domain embellishments (pedestrian, bicycle, safety, landscaping and traffic management improvements) for the Ultimo area, including a shared zone (or other suitable treatment) in Blackwattle Lane and Wattle Place to which the developer shall meet the cost of implementing including design, approvals, surface treatments, services modifications, planting, signage etc;
- (11) That streetscape details are to be in accordance with the submitted Architectural Details Panels to the satisfaction of Director of Planning and Building;
- (12) That an interpretive panel be located adjacent to the sidewalk of Mountain Street to explain the history of the site and the significance of the Bond Store and Broadway Theatre, and a plaque be placed on the Blackwattle Creek water feature explaining its significance;
- (13) That the developer use reflective glass for living area windows where the distance between such windows falls below 12m. Frosted glazing should be used for all external bathroom windows;
- (14) That a detailed landscape plan and specification are to be prepared by a qualified Landscape Architect or designer and submitted with the Building Application or Construction Certificate. The landscape plan should detail, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height) and irrigation. As a guide the minimum plant sizes to be specified are to be 75 litres for trees and 5 litres for shrubs;
- (15) The applicant undertake to the following public domain improvements:

- Footpath widening along Blackwattle Lane to accommodate new tree planting. Appropriate curb treatment is to be used which is consistent with the historic character of the Lane;
- Mature tree planting along Mountain and Smail Streets;
- All garden bed walls which face onto streets are to be masonry;
- Any setbacks off Blackwattle Lane are to be vegetated with ground covers or lawn;

(16) That the developer shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1996). Trees shall be in a 100 litre container size, 2.5 metres high, 75mm Caliper and planted at 10m centres.

Street	Botanic Name	Common Name
Smail Street	Sapium sebiferum	Chinese Tallowwood
Mountain Street	Planatus x Hybrida	Plane Tree
Blackwattle Lane	Sapium sebiferum	Chinese Tallowwood

(17) Where large avenue species are requested to be planted as street trees, the developer shall aerial bundle overhead wires. This work is to be carried out in conjunction with Energy Australia;

(18) That a survey of the existing site, which indicates all existing trees, their species, height, caliper and status is produced and submitted with the Building Application or Construction Certificate;

(19) That applications for the removal of trees are submitted to the Director of Public Works and Services in accordance with Council's Tree Preservation Order. A letter of application or Construction Certificate is to accompany the Building Application marked to the attention of the Tree Preservation Officer for the removal or lopping of trees;

(20) That all existing trees on-site protected by Councils Preservation Order are preserved and protected during construction. Methods of protection are to be submitted with the Building Application or Construction Certificate to the satisfaction of the Director of Public Works and Services;

(21) That the developer is to provide details of the envisaged treatments and full hydraulic and electrical design and construction details of the proposed water feature. Subsequent to the practical completion, the fountain will need to be maintained by the developer for a period of two years. A detailed maintenance manual is to be provided for Council's future reference;

- (22) That where works are to be carried out in lieu of a Section 94 contribution, detailed plans, specifications and itemised costings of the works are to be submitted for approval with the Building Application or Construction Certificate. Plans for the development of parkland area shall comply with Council's Generic Open Space Plan of Management (1996);
- (23) That construction details accompany the landscape plan, and include details of any subsoil drainage where landscaping is provided on slab (such as roof gardens and courtyards). Minimum soil depth shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm of mulch and a suitable waterproofing and drainage layer;
- (24) That the existing lots be consolidated into two lots prior to the issuing of an occupation certificate;
- (25) That the developer approach Sydney Water and provide a system of on-site storm water detention to Sydney Water requirements and discharge into its system in Blackwattle Lane or Mountain Street. The developer is to submit detailed drainage plans with overflow paths from the site and a letter of approval from Sydney Water with the Building Application or Construction Certificate;
- (26) That the developer shall include with the Building Application or Construction Certificate, a plan detailing the building alignment levels as approved by the Director of Public Works and Services and the Developer shall apply and pay the fees for consideration of these levels;
- (27) That the developer reinstate any damaged kerb or gutter in materials similar to those existing;
- (28) That the developer accepts the responsibility for the cost of any alteration or adjustment to the existing public services affected by roads and drainage works associated with the development;
- (29) That the developer where necessary, construct or reconstruct, at the Developers cost, roads and drainage to the satisfaction of the Director of Public Works and Services and the Manager of Traffic and Design will provide Council's specifications for the construction or reconstruction of roads and drainage;
- (30) That the developer shall lodge with Council a bank guarantee for the estimated construction cost of all works on the adjacent roads resulting from the development consent conditions;

- (31) The developer at no cost to Council, shall have the estimate prepared by a practicing Quantity Surveyor, who shall take account of, but not be limited to, the requirements of Council, the RTA, the State Transit Authority, Public Utility Services and Sydney Water. The unit rates used in preparing the estimate must satisfy the Director of Public Works and Services;
- (32) The bank guarantee will be for the estimated cost, calculated as a future value compounded at a rate of 7% for a period from the time of preparing the estimate to the agreed date to complete the project;
- (33) That the floor level of habitable areas be at least 300mm above the 100 year flood level at its lowest point on the site;
- (34) That the developer reconstructs the three existing vent openings, on the building alignment at 147 Broadway Road, maintaining the same level for the opening or to a new level set by Sydney Water. It must be noted that the level set for the bottom of the opening should not be higher than the adjacent floor levels. The developer shall not build any permanent structures to obstruct the overland path from reaching Blackwattle Lane from these vents;
- (35) That the developer erects signs to the satisfaction of the Director of Public Works and Services, indicating the various types of vehicular entries;
- (36) That all construction activity is contained within the site;
- (37) That the developer not use Blackwattle Lane as vehicular access for demolition;
- (38) That the developer contributes to any adjustment of marked pedestrian crossings and traffic signals at the intersection of Broadway and Mountain Street;
- (39) That the premises shall be designed in accordance with the access provisions of the latest version of the Building Code of Australia and criteria set out in the Advisory Notes On Access To Premises by the Human Rights and Equal Opportunities Commission. Details of compliance with these references are to be submitted with the Building Application or Construction Certificate;
- (40) That pavement selection and construction details for works on the public footway shall be approved by Manager Parks Development Branch and Manager of Traffic and design prior to construction;

- (41) That the developer shall arrange with the Parks Development Branch for a final inspection of the landscape works and works shall be constructed in accordance with the plans approved with the Building Application or Construction Certificate;
- (42) That the Developer shall provide a maintenance schedule for landscape works for the first 12 months with evidence of a contract to carry out such works after practical completion;
- (43) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater drainage system, in accordance with Council's requirements;
- (44) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste/Minimisation Fact Sheets";
- (45) That the garbage room shall be constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (46) That plans and specifications showing details of all proposed mechanical ventilation systems shall be submitted and approved by Council or an accredited certifier before a 'Condition Certificate' is issued;
- (47) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the EPA or an accredited auditor and shall be submitted to Council for referral to the EPA or an accredited auditor. This assessment will need to certify that the site does not pose a risk to public health and is suitable for the intended use. It should be noted that the Building Approval or 'Construction Certificate' will not be issued until the Contamination Assessment has been submitted to Council and the site has been given clearance by the EPA or an accredited auditor. No works on the site shall be undertaken prior to the EPA or an accredited auditor giving clearance other than works associated with the remediation of the land;
- (48) That the construction, fitout and finishing of the premises shall comply with Food (General) Regulation 1992 and the National Code for the Construction and Fitout of Food Premises;
- (49) That adequate provision shall be made for the installation of a mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation is to be carried out;

- (50) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (51) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (52) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;
- (53) That a Building Application or Construction Certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (54) That the car parking area be ventilated in accordance with Australian Standard 1668.1-1991 Section 7 and Australian Standard 1668.2 Section 4;
- (55) That smoke hazard management devices be provided to the building in accordance with the Building Code of Australia;
- (56) That the commercial portion of the building shall enter into a commercial contract for the removal of trade waste;
- (57) That appropriate arrangements are made for the removal of rubbish to the satisfaction of Council's Public Works and Services Department, Cleansing Services Group;

Note:

That Council be advised that it may be liable for prosecution under the Local Government Act 1993 for breach of an approved condition, or under the Clean Waters Act of 1970 if its employees, agents, or subcontractors allow sediment, including soil, excavated material,

GENERAL MANAGER

building materials, or other materials to be pumped, drained or allowed to flow into the street, stormwater pipes, or waterways. Council is advised to ensure that all employees, agents, or subcontractors understand and maintain sediment control measures.

The reason for Council granting consent subject to the above conditions is:

Granting unconditional consent would be likely to adversely affect the amenity of the neighborhood, including adverse affects relating to the emission of noise and vibration, privacy loss, streetscape qualities, heritage issues, traffic and parking congestion and would not be in the public interest.

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

Councillors Bush and Fowler requested that their names be recorded as voting against the foregoing motion.

The Planning and Development Committee Meeting terminated at 9.30 p.m.

The Special Planning and Development Committee Meeting of 8 December 1998, terminated at 8.00 p.m.

The Council Meeting terminated at 7.45 p.m.

Confirmed at a meeting of South Sydney City Council held on1999

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER