

221st Meeting**Erskineville Town Hall
Erskineville****Wednesday, 24 February 1999**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.35 pm on Wednesday, 24 February 1999.

PRESENT

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

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

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Confirmation of Minutes

Moved by Councillor Harcourt, seconded by Councillor Macken:-

That the minutes of the Ordinary Meeting of Council of 10 February 1999, be taken as read and confirmed.

Carried.

Apology

An apology for non-attendance at the meeting was received from Councillor Fowler.

Moved by Councillor Deftereos, seconded by Councillor Bush-

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

Carried.

At this stage it was moved by the Mayor, seconded by Councillor .Harcourt, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely to present a certificate awarded from UTS to South Sydney Council.

Carried.

As all the members of the Council were not present, the Chairperson (the Mayor) ruled the business to be of great urgency.

The following motion was put and the decision indicated made:-

AWARDS - UTS CERTIFICATE OF APPRECIATION - PRESENTATION TO COUNCIL

On Tuesday 16 February, the University of Technology, Sydney, presented to Council, a University Certificate of Appreciation. This was in recognition of Council's status as an important Work-based Learning Partner of the University's Centre for Local Government.

From the early development phase, through to the current level of support, Council has been critical to the success of the UTS Graduate Certificate in Local Government Management.

Council staff worked closely with University staff to ensure the program was developed to its current level of success. This Council program has become a template for two other Work-based learning partnerships - one with the RTA/IMEA and the other with the Trainee's Network from the SSROC group.

To date 35 staff have successfully taken studies as part of this program.

It gives me great pleasure to present this Certificate of Application from the UTS to the Director of Organisational Development, Mr. Peter Chaffe and ask that he pass on Council's thanks to all staff who have been involved with this program.

The Director of Organisational Development, Mr. Peter Chaffe, and the Director then thanked Council on behalf of all employees who participated in the project.

Carried.

MINUTE BY THE MAYOR

24 February 1999

PLANNING - WILLIAM STREET REVIEW OF HEIGHT AND FSR CONTROLS IN DCP 1997 - (2013557)

In 1989, Local Environmental Plan No.101 established a height control of 30m and a FSR of 5:1 for the northern side of William Street. A maximum FSR of 4:1 (but no height controls) applied to the south side of William Street. This LEP was formally repealed on 24 April 1989 via the gazettal of South Sydney Local Environmental Plan 1998.

South Sydney Development Control Plan 1997: Urban Design was prepared simultaneously with LEP 1998. This DCP established new density controls for the properties abutting William Street. These provided for a maximum FSR of 4:1 and a Maximum height of 24m on both sides of William Street.

Since the preparation of Development Control Plan 1997: Urban Design, it has become apparent that the reduction in the maximum height and FSR applying to William Street was insufficient to deal with the impacts associated with the density of new development occurring in the area. A recent Development Application for Nos. 196-214 William Street and subsequent Land and Environment Court case has illustrated that the current controls are not appropriate to the scale of existing buildings abutting William Street and the Council's intentions for future development in the area.

Accordingly, I believe it appropriate that the Council investigate reducing the maximum height and consequently floor space ratio applying to those properties abutting William Street.

Yesterday I had pleasure in announcing with the Minister for Urban Affairs and Planning, the Hon. Craig Knowles a joint investigation of public domain and streetscape improvements along William Street. This project is to be jointly

resourced by South Sydney City Council and DUAP. These two initiatives I believe will ensure we get planning right from this impact gateway to the city.

RECOMMENDATION

That Council investigate a reduction in the maximum height and FSR applying to properties abutting William Street, as an amendment to South Sydney Development Control Plan 1997: Urban Design (and the accompanying maps)

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE MAYOR

DONATIONS - OUR LADY OF MT CARMEL SCHOOL ASSISTANCE AFTER ROBBERIES (2020399)

5 March, 1999

I have received correspondence from the President of the P&F for Our Lady of Mt Carmel School requesting emergency financial assistance following a spate of recent robberies.

During the last 6 months of last year the school suffered a total of nine (9) robberies, resulting in valuable learning equipment being stolen.

As a result of these robberies the insurance premium for the school has risen by some 60%. However the most immediate problem is the replacement of the stolen equipment so that the quality of the education service provided to the children, most of whom come from disadvantaged communities in the Redfern/Waterloo area, is not compromised. The school has been advised that the insurance excess required to replace the equipment, which is levied on each individual robbery is \$3,500.

At present the school's P&F, which usually does fundraising to buy equipment for the school, does not have this funding available and the school itself has no funds in its current budget to cover the expense. The Catholic Church Education Office and the Catholic Church Insurances have assisted the school by improving fencing, lighting and the security system but similarly have no funds available.

I am therefore proposing that Council provide an immediate one off donation of \$3,500 to the school to cover the insurance excess and that this be taken into account when considering any further financial donations to the school under the 1999/2000 Community Grants Program.

RECOMMENDATION:

That Council approve a one off donation of \$3,500 to Our Lady of Mt Carmel School for the insurance excess which will allow the replacement of valuable equipment that was stolen during the course of recent multiple robberies.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Macken, seconded by Councillor Harcourt:-

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

Carried.

At this stage and at 6.57 p.m., Councillor Lay arrived at the meeting.

MINUTE BY THE MAYOR

24 February, 1999

**STREETS - SHARED FACILITY, INFORMATION KIOSK - POLICE AND TOURIST
AUTHORITY (2020398)**

As my colleagues would be aware the Chairperson of Council's Community Services Committee, Councillor Sonia Fenton and the Aged and Disability Services Manager, Mr. George Oakley, recently attended a conference in Honolulu Hawaii. They have brought to my attention an interesting concept whereby the Police Department and the State Tourist Authority share Council provided kiosks situated in main tourist areas. (as shown in attached photographs in file).

RECOMMENDATION

That a report be prepared investigating the feasibility of this concept for South Sydney, possibly in Kings Cross or Oxford Street localities.

Councillor Vic Smith (SGD)
Mayor

Moved by Councillor Harcourt, seconded by Councillor Waters:-

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

Carried.

PETITIONS

1.

The Mayor tabled a petition received by the General Manager with approximately 13 signatures appended from residents of Nos. 26 - 44 Kippax Street, Surry Hills, objecting to the noise emission from the air conditioning units at premises Nos. 17 - 51 Foveaux Street and are seeking a permanent solution to the problem.

Received.

2.

The Mayor tabled a petition received by the General Manager with approximately 7 signatures appended from residents of Harcourt Parade, Rosebery, requesting the investigation of street drainage.

Received.

3.

The Mayor tabled a petition received by the General Manager with approximately 11 signatures appended from residents of the south side of Yaralla Street, Newtown, requesting the repair of the footway damage caused by tree roots.

Received.

4.

The Mayor tabled a petition received by the General Manager with approximately 7 signatures appended from residents of Nos. 218A - 238 Gardeners Road, Rosebery, which back onto a Council Reserve, requesting Council to take action to prevent anti-social behaviour.

Received.

5.

The Mayor tabled a petition received by the General Manager with approximately 46 signatures appended from residents of Greens Road,

Paddington, objecting to Stage Two of the development at Nos. 1 - 37 Greens Road, Paddington.

Received.

6.

The Mayor tabled a petition received by the General Manager with approximately 23 signatures appended from residents of Selwyn Church, Josephson and Iris Streets, Paddington, advising that the expected positive outcomes from the introduction of the trial of new traffic arrangements in Area 15 have not eventuated.

Received.

QUESTIONS WITHOUT NOTICE

1.

STREETS - COWPER WHARF ROADWAY. AND FITZROY GARDENS - REPLACEMENT OF BUS SHELTERS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON. (2002400)

Question:

The Australian Posters bus shelter has been removed from outside the BP Service Station on Cowper Wharf Roadway as has one of the two in Fitzroy Gardens.

When will these be replaced by the J.C. Deceaux Bus Shelters and could a copy of the installation schedule for all J C Deceaux street furniture items be prepared for the Councillors Information Service?

Answer by Mr. Wilcoxon:

I can certainly do the latter. The contract has indicated that they expect to rollout of the furniture within 10 working days. The expectation is Monday week.

2.

DONATIONS - KING CROSS TOURISM GROUP - APPLICATION FOR SEEDING GRANT - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2020501)

Question:

I tabled a letter of request from Kings Cross Tourism applying to Council for a \$5000 seeding grant to fund the inaugural 24 hours dinner to be held on 2 July - as a special project of the Feast of Sydney.

It has been suggested that this amount be considered with Council's Grants and Donations. However, I should be grateful if this matter could be considered as a matter of urgency - as it will be a good positive event for Kings Cross and deserves Council's support.

Could this be arranged?

Answer by the Mayor:

I will have a report prepared for the next Committee of Council.

3.

JOYNTON AVENUE, ZETLAND - ROYAL SOUTH SYDNEY HOSPITAL - CLOSURE OF HYDROTHERAPY POOLS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2008009)

Question:

Many of our older residents are concerned about the closure of our two most used hydrotherapy pools. One is at Rachel Foster Hospital and the other at South Sydney Community Health Complex on Joynton Avenue. Both are used to their maximum by the W.A.V.E.S. group. Closure would be devastating and even a short period of non-use would be a detrimental effect on the health of many frail people who totally rely on them for exercise.

I request Council support our residents to ensure that the Rachel Foster pool remain for the use of frail people and that if the other pool needs to be re-located with the development of the Green Square area then a new pool be completed before the existing is closed.

Could the Community Services and Planning staff prepare a joint report for Council?

Answer by the Mayor:

Firstly I will write to the Chief Executive Officer of the Area Health Service, Diana Horfarth and seek some information about the proposal because from time to time there is a lot of rumours about what is going to happen and what isn't and I think we should have it confirmed by the Chief Executive Officer and similarly with the South Sydney Hospital. I will also draw that to the attention of the Local Member, Deidre Grusovin.

4.

PLANNING - GREEN SQUARE - MASTER PLAN - OBJECTIONS TO ROAD REALIGNMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2016145)**Question:**

The extremely late objections from property owners affected by the road realignment proposed in Stage One of the Green Square Master Plan was taken into consideration and Council in its wisdom deferred a large portion of land south of Lachlan Street to Stage Two. Stage Two gazettal will not be until late 1999.

The positive action by Council in accommodating the owners of the "Industrial Zoned" land did not take fully into account the distress and hardship caused to the existing land holders whom have awaited the approval of the Green Square Master Plan.

The land holders who have had Council act on their behalf by deferring the Green Square Plan do not wish to hinder potential residential land not affected by the road realignment.

Can the Director of Planning bring an urgent report to Council's Planning Committee designating the truly road affected areas thus including all that is not affected to be a part of Stage One. Or perhaps consider the spot rezoning of particular sites that are not relevant to the realignment.

Answer by Mr. Harrison:

I can certainly bring forward a report. The reason we suggested that it be dealt with as a part of Stage two was the considerable staff resources being taken up by adding numerous L.E.P.'s covering Green Square. We found the most logical way as to proceed with Stage two. Its obviously in the hands of Council and the want to proceed and try and rezone the block between Odea Avenue and Lachlan Street, in advance of Stage two. It is a matter for Council, but it is one that has resource implications, but I can bring forward a report on those implications and why we suggest it be Stage two.

Answer by the Mayor:

I will have a report prepared for the Planning and Development Committee.

5.

HEALTH - REDFERN RESIDENT ACTION GROUP - SUPPORT BY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (H51-00084)**Question:**

The Redfern Residents Action Group has been formed as a self help group to develop positive outcomes in an attempt to improve the amenity of the drug infested streets in their local community.

Can an urgent report come to Council outlining what measures Council will take to offer support to this group?

The report should also investigate the employment of a role specific officer to research. liaise with other government departments and the community regarding the abysmal state of affairs the drug crises has caused.

In the meantime, Council as a responsible participant could offer The Redfern Resident Action Group assistance and resources in the form of a one off seeding grant and help with meetings, postage, copy paper and the such?

Answer by the Mayor:

The Council won't need to employ anybody, because the candidate for Bligh is currently doing that. I am meeting with them on a regular basis and keeping them informed. I also am having discussions with the Minister and the Premier. In fact I have attended 7.00 a.m. meetings with those residents and the latest one was this morning.

I met with them last Sunday morning for another 2 1/2 hours, they are a very articulate and educational group and they are a very well resourced group and they made a comment to me that you, Councillor Bush, are going to help them out financially. Their response was that they don't need financial help. What they want is a needle exchange program out of the Redfern Residential Area and that Council can't do that, the only people that can fix that is the politicians.

REPORT OF THE FINANCE COMMITTEE

17 February 1999

PRESENT**The Mayor Councillor Vic Smith (Ex Officio Chairperson)****Councillors – Margaret Deftereos, Sonia Fenton and Greg Waters.**

At the commencement of business at 6.34 pm those present were:-

The Mayor and Councillors - Deftereos, Fenton and Waters.

Apology:

An apology for non-attendance at the meeting was received from Councillor Macken.

Moved by the Chairperson (Councillor Macken) seconded by Councillor Lay:-

That the Report of the Finance Committee of its meeting of 17 February, 1999, be received and the recommendations set out below for Items 1 to 15, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

FINANCE - ACCOUNTS - INVESTMENT - MONTHLY REPORT - PERIOD ENDING 29 JANUARY 1999 (2015594)

That the Investment Report by the Director of Finance dated 11 February 1999, be received and noted.

Carried.

2.

COUNCIL'S RESIDENTIAL PROPERTIES - ANNUAL RENT REVIEW - PROPOSED INCREASE (L52-00010)

That arising from a report by the Director of Corporate Services dated 4 February 1999, approval be given to review residential rentals to Market Level as per the schedule accompanying the beforementioned report subject to tenants being notified in writing of the increases 60 days in advance of the

increase.

Carried.

3.

**LEASING - VACANT COMMERCIAL AND RESIDENTIAL PROPERTIES
MONTHLY REPORT - MANAGEMENT PLAN (P56-00356)**

That the report by the Director of Corporate Services, dated 10 February 1999, submitting the October, November and December 1998 Report on all Council's vacant Commercial and Residential properties that are available, be received and noted.

Carried.

4.

**LEASING - OUTSTANDING RENT AND LEASE PAYMENTS - QUARTERLY
REPORT - MANAGEMENT PLAN (2006684)**

That the report by the Director of Corporate Services dated 10 February 1999, submitting the quarterly report of all outstanding rents and lease payments for the 3 month period ending 31 December 1998, be received and noted.

Carried

5.

**LEASING - OXFORD STREET, NO. 70, DARLINGHURST - SHOPFRONT
PREMISES - REQUEST BY WINGPORT PTY. LTD. FOR ABATEMENT OF
RENT (L52-00120)**

That approval be given for Wingport Pty. Ltd. being offered a rent abatement of \$2,378 in connection with their leased Council shopfront premises, No.70 Oxford Street, Darlinghurst, whilst it was closed for 19 days due to structural work being carried out to replace the existing floor.

(DCS. Report 11.2.1999)

Carried.

6.

PLANT AND ASSETS - HEALTH AND COMMUNITY SERVICES DEPARTMENT FUNDS 1998/99 - RE-ALLOCATION TO PURCHASE KITCHEN EQUIPMENT (2018374)

That arising from a report by the Director of Health and Community Services dated 9 February 1999, approval be given for \$9,000 of the Health and Community Services Department 1998/99 Funds being reallocated to purchase (1) cook-chill refrigerator.

Carried.

7.

LEASING - MOUNTAIN STREET, NOS. 54-60, ULTIMO, VACANT LAND - REQUEST BY SECURE PARKING PTY. LTD. FOR REDUCTION IN RENT (L02-00064)

That approval be given for Secure Parking Pty. Ltd.'s rental of Council's vacant land, Nos. 54-60 Mountain Street, Ultimo, used as a car parking area, being reduced from \$7,917 per month to \$2,917 commencing on the 1 February 1999, subject to the following conditions, namely:-

- (10) A review of the Company's operations at Nos.54-60 Mountain Street, Ultimo, be assessed on a month to month basis with Secure Parking Pty. Ltd. providing audited balance sheets at the end of each month to substantiate the continuation or adjustment of the reduced rental;
- (11) If the land in question, which forms part of the Broadway Redevelopment, is required for development, this approval will cease from the date the tenant vacates the leased area.

(D.C.S. Report 12.2.1999)

Carried

8.

PERSONNEL - GAY AND LESBIAN LIAISON OFFICER - APPOINTMENT - CONDITIONS OF APPOINTMENT (2020159)

That the report by the Director of Organisational Development dated 12 February 1999, outlining the conditions of employment of the above Officer be received and noted, subject to the deletion of:-

- (a) the words "Anti Gay and Lesbian Violence" where appearing in Section 3 under the heading of Key Accountabilities on page 1 of the position description between the words between the words combating and violence and the insertion of the words "Street Violence".

- (b) the deletion of the word "Community" where appearing in Section 4 "Organisational Relationships" chart , on page 2 of position description. and the insertion of the word "Liaison"

Carried.

9.

ADMINISTRATION - FINANCE DEPARTMENT RESTRUCTURE - POSITION TITLES - AMENDMENT - (2016734)

That the proposed position titles be approved as contained in the report by the Director of Finance dated 15 February 1999.

Carried.

10.

LEASING - CROWN STREET NOS. 470-474 SURRY HILLS - PROPOSED LEASE OF AIRSPACE - AMENDMENT TO RESOLUTION OF COUNCIL DATED 9 SEPTEMBER 1998 (2009964)

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

That further to the Resolution of Council dated 9 September 1998 that gave approval to the Clock Hotel Group Pty Ltd being granted a lease of airspace above part of Nos.470-474 Crown Street for a period of 40 years (Clause 4 of the Resolution), being amended to allow the lease to be 40 years with an option for a further 10 years, to read as follows:

- (4) The lease being for a period of 40 years with the option to renew for a further 10 years under Section 149 of the Roads Act 1993 and at a rental (as determined by a representative of Council's independent panel of valuers) of \$3,000 per annum and increased annually by the CPI and reviewed to the market every 5 years.

(DPWS Report 11.2.1999)

Carried.

11.

STREETS - STATUS - PASSAGEWAY AT REAR OF NOS. 186-194 CLEVELAND STREET AND NOS. 1-9 BARTLEY STREET, CHIPPENDALE (2016124)

That approval be given to:-

- (a) no further action being taken by Council to acquire the Laneway shown on Plan No. S6-283/92 and that it be reaffirmed to property owners and residents adjoining that the Laneway is private and not under the control of Council;
- (b) the valuation and rating of the laneway for possible disposal by public auction in 5 years time if the rates remain unpaid

(DPWS Report 11 .2 1999)

Carried.

12.

STREETS - ROADS/FOOTPATHS/DRAINAGE WORKS 1998/99 - PUBLIC WORKS & SERVICES DEPARTMENT, CONSTRUCTION BRANCH - QUARTERLY REPORT FOR PERIOD ENDING 31 DECEMBER 1998 (S56-02169)

- (A) That the report by the Director Of Public Works And Services dated 3 February 1999, presenting the quarterly progress report of the 1998/99 Works Programme. Construction Branch for the period ending 31 December 1998 be received and noted.
- (B) That the Director of Public Works and Services submit reports for circulation in the Councillors Information Service in respect of progress on implementation of:-
 - (1) Tusculum Street - Street Drainage;
 - (2) Greenknowe Avenue - Roundabout;
 - (3) Darlinghurst Road - Traffic Calming.

Carried.

13.

**DONATIONS - WALKABOUT PRODUCTIONS - PADDINGTON TOWN HALL
- REQUEST FOR FREE USE, 26 - 29 MARCH 1999 (2020184)**

That arising from a report by the Director of Corporate Services dated 16 February 1999, it be resolved that Council support Walkabout Productions by foregoing \$15,300 in income and meet the expenses of \$407, to allow Walkabout Productions free use of Paddington Town Hall on Friday 26 March 1999 to Monday 29 March 1999 to conduct a Fundraising Art Exhibition.

Carried.

14.

**TRAFFIC - ROADWORKS - ABERCROMBIE, SHEPHERD AND LANDER
STREETS, DARLINGTON - ACCEPTANCE OF TENDER (T52-00051)**

That for the reasons set out in the report by the Director of Public Works and Services dated 17 February 1999, following deferment of the matter at the Council Meeting held on 10 February 1999, because of possible price increase, it be resolved that Council:-

- (a) accepts the tender from C.P.L. Engineering in the amount of \$241,850.80 for the construction of roadworks in Abercrombie, Shepherd & Lander Streets, Darlington and that Council provide \$24,185.00 as a contingency sum;
- (b) accepts the offer from the University of Sydney of a contribution of \$80,000.00 toward the proposed works,
- (c) the works being funded as follows:
 - \$150,000.00 from the 1998/99 Budget allocation for the Darlington LATM,
 - \$36,035.80 from the 1998/99 Budget allocation for the Alexandria South LATM (Stage 2)
 - \$80,000 as a contribution from the University of Sydney.

Carried.

15.

**PUBLIC RELATIONS - PROMOTIONS - WASTE MINIMISATION - MARDI
GRAS FLOATS - RE-USEABLE MATERIALS - RETRIEVAL (2015766)**

That arising from a report by the Director of Public Works and Services dated 17 February 1999, approval be given to \$620 being donated to Reverse Garbage to retrieve reuseable materials from Mardi Gras floats, funds are available in Waste Service 1998/99 Budget Estimates (DHB77FO)

Carried.

The Finance Committee Meeting terminated at 6.48 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)

WEDNESDAY, 17 FEBRUARY 1999 AT 6.49 PM

The Committee to resolve that the press and the public be excluded from the meeting of the Finance Committee (Confidential Matters) during consideration of the undermentioned Items, and further, access to correspondence and reports being withheld in respect of such Items because in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

Apology:

An apology for non-attendance was received from Councillor Macken.

The reasons for the press and public being excluded from the abovementioned Items are as follows, namely:-

Item 2 & 3 - Contractual Matter

Item 1 - Personnel Matters

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

That the Report of the Finance Committee (Confidential Matters) of its meeting of 17 February 1999, be received and the recommendations set out below for Items 2 and 3, be adopted. The recommendation set out below for Item 1 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

**LEGAL - DIRECTOR OF CORPORATE SERVICES - DEFAMATION -
REQUEST FOR LEGAL ASSISTANCE (2020346)**

This matter was submitted to Council without recommendation.

At this stage and at 7.09 p.m. it was moved by Councillor Fenton, seconded by Councillor Deftereos:-

That the Council resolve to met as a Committee of the Whole with Press and Public excluded to discuss the beforementioned matter, as it dealt with a Personnel matter.

Carried.

Those present at the meeting of the Committee of the Whole being:

The Mayor and Councillors Bush, Deftereos, Fenton, Harcourt, Lay, Macken, and Waters.

At 7.19 pm the Council Meeting resumed.

The Mayor then asked the Supervising Committee Clerk to read out the recommendation of the Committee of the Whole.

The Supervising Committee Clerk read out the following recommendation, namely:

- (a) That a written apology be sought from Mr. Paul Reid Union Organiser for the M.E.U, and the General Secretary of that Union, Mr. Brian Harris, for comments made by Mr. Reid towards Council's Director of Corporate Services.
- (b) That if these apologies are not received within fourteen days, then Council will seek counsel advise.
- (c) Further, that the letter to the General Secretary include a copy of Council's EEO Policy regarding the use of discriminatory language.

The recommendation of the Committee of the Whole was then put and carried.

2.

LEASING - DOMAIN CAR PARK - RENTAL NEGOTIATIONS (L02-00069)

That the recommendation as contained in the report by the Director of Corporate Services dated 11 February 1999, in respect of the rental negotiation for the Domain Car Park be approved and adopted.

Carried.

3.

VICTORIA PARK POOL - SPORTS MASSAGE CLINIC - SPORTS MEDICINE AND THERAPY SERVICE (2018337)

That the recommendation as contained in the joint report by the Director of Public Works and Services and the Acting Director of Organisational Development dated 15 February 1999, in respect of the above, be approved and adopted.

Carried.

The Finance Committee (Confidential Matters) Meeting terminated at 6.54 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

17 February 1999

PRESENT

Councillor Sonia Fenton (Chairperson)

The Mayor, Councillor Vic Smith, and Councillors Margaret Deftereos and Greg Waters.

At the commencement of business at 6.51 pm those present were -

The Mayor and Councillors:-Deftereos and Waters.

Apology:

An apology for non-attendance at the meeting was received from Councillor Macken.

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

That the Report of the Community Services Committee of its meeting of 17 February 1999, be received and the recommendations set out below for Items 1-3, be adopted.

Carried.

The Committee **recommended** the following:-

1.

LIBRARIES - LIBRARY SURVEY - UPDATE (2003201)

That the report by the Director of Health and Community Services dated 12 February 1999, setting a timeline for the 6 recommendations from the Library Survey which was completed in September 1998, and the progress of Internet access for the public at Waterloo, Newtown and Surry Hills Libraries be received and noted.

Carried.

2.

PARKS - VICTORIA PARK, CHIPPENDALE - LANDSCAPE MASTERPLAN, STAGE 5 WORKS (FORMER BOWLING CLUB SITE) - DOCUMENTATION - CALLING OF TENDERS (2019796)

That approval be given to:-

- (1) proceed with the detail documentation of the Victoria Park Landscape Master Plan extension based on the exhibited master plan proposal.
- (2) call tenders for the Stage 5 (year one) works at an estimated cost of \$250,000 for which funds are available in the 1998-1999 works programme (FWP 9031).

(DPWS Report 12/2/99)

Carried.

3.

CONFERENCES - 15TH ANNUAL PACRIM CONFERENCE ON DISABILITIES - UNIVERSITY OF HAWAII, 29 JANUARY TO 3 FEBRUARY 1999 - REPORT (2018731)

That the report by the Aged and Disability Services Manager, Health and Community Services Department dated 15 February 1999, be received and noted.

The Community Services Committee Meeting terminated at 6.55 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

17 February 1999

PRESENT**The Deputy Mayor Jill Lay (Acting Chairperson)****Councillors - John Bush, John Fowler, Christine Harcourt.**

At the commencement of business at 6.35 pm, those present were -

The Deputy Mayor and Councillors - Bush, Fowler and Harcourt:-

Apology:

An apology for non-attendance at the meeting was received from the Mayor, Councillor Vic Smith.

That the Report of the Planning and Development Committee of its meeting of 17 February 1999, be received and the recommendations set out below for Items 1 to 4 inclusive, 6 to 8 inclusive, 10, 13, 16 to 18 and 20 to 25 inclusive, be adopted. The recommendations for Items 5,9,11,12,14,15,19 and 26 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

SEPTIMUS STREET, NO. 36, ERSKINEVILLE - CONSTRUCT TWO NEW DWELLINGS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00655)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mr M Curach, with the authority of the owners Mr M Curach and Mr G Turnley for permission to demolish the existing dwelling and erect two new two-storey terraces at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 101.105-101.108 dated 1998, except where amended by conditions of this consent;
 - (2) 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;
- (3) That the applicant shall erect a temporary fence along the southern boundary of the site to replace the existing dwelling during demolition and construction;
 - (4) That the proposed garage doors shall be constructed in a simple design with decorative elements which reflect the historic significance of the streetscape. Details shall be submitted for approval prior to the release of the construction certificate;
 - (5) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$3,600 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.
 - (6) 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 \$480, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (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	\$3,159	2E97001.BGY0
Open Space/Townscape/ Public Domain	\$ 962	2E97002.BGY0
Accessibility And Transport	\$ 12	2E97006.BGY0
Management	\$ 48	2E97007.BGY0
Total	\$4,181	

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 March 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 / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

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	\$861.00	2E97008.BGY00

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 / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

- (9) That details of the manner in which it is intended to remove spoil and rubbish from the site during the course of demolition, excavation or refurbishment operations as well as measures to be adopted for the eradication of any vermin from the site shall be submitted to the Health and Community Services Department and approval obtained prior to the commencement of the work;
- (10) That all asbestos fibre demolition material and asbestos dust shall be handled and removed in accordance with the Occupational Health and Safety (Asbestos Dust) Regulation 1984;
- (11) That a detailed landscape plan and specification for the site, prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services prior to or with the application for a construction certificate. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 75 litres for trees and 5

litres for shrubs) and irrigation. The plans shall include construction details. The plans shall be approved by the Director of Public Works and Services prior to the approval of the construction certificate;

- (12) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (13) 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

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.

- (14) That 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;

(15) 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; and
- (b) adequate provision must be made for drainage;

(16) 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, and
- (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;

(17) That if the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient;
- (b) building involves the enclosure of a public place;

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed;

- (18) That required hydrants shall be designed and installed in accordance with AS2419.1 and shall not be designed, constructed or adapted for use for any purpose other than the supply of water for fire-fighting purposes;
- (19) That toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

In this condition:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan, the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

public sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

- (20) That all relevant sections of the BCA shall be complied with;
- (21) 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;
- (22) That the requirements of the Work Cover Authority shall be complied with;
- (23) 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);
- (24) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (25) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (26) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;
- (27) That the demolition work shall comply with Australian Standard 2601-1991;
- (28) 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);

- (29) That prior to the release of the construction certificate, the developer/owner shall make an application to the Director of Public Works and Services for the provision of the necessary footway crossing and also bear the cost of the crossing and reinstatement of the footpath where any existing crossings adjacent to the site are no longer required (such approval is required under the Roads Act 1993). The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (30) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (31) 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;
- (32) 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);
- (33) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;

NOTE 1: Soil and sediment control

NOTE 2: The applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia or the Local Government (Approvals) Regulation.

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.

2.

EVELEIGH STREET, NOS. 44-56, REDFERN - DEMOLITION OF TERRACE HOUSING - DEVELOPMENT APPLICATION (U98-01164)

(At the Council meeting, Councillor Macken 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 Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Aboriginal Housing Company Ltd, for permission to demolish existing terraces at the abovementioned premises subject to the following conditions, namely:-
- (1) That prior to the commencement of demolition in accordance with this consent, 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 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;
 - (3) 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;
 - (4) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dust or other impurities which are a nuisance, injurious, dangerous or prejudicial to health;

- (5) That the requirements of the Work Cover Authority shall be complied with;
- (6) 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);
- (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 all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (9) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (10) That the demolition work shall comply with Australian Standard 2601-1991.

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.

3.

LAYTON STREET, NO.7, CAMPERDOWN – PROPOSED USE OF PREMISES AS BROTHEL – DEVELOPMENT APPLICATION (U98-01099)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Pelskep Pty Ltd, with the authority of Mr G Cremer (owner) to fit out and use the abovementioned premises as a

brothel 10am to 4am daily at the abovementioned premises for the following reasons, namely:-

- (1) That the proposal would cause a loss of amenity to nearby residences;
 - (2) That the proposal is inappropriate in the "Mixed Uses – Traditional" precinct under the provisions of the Development Control Plan 1997;
 - (3) That the proposal fails to comply with the location requirements for brothels set out in the Draft Sex Industry Policy;
 - (4) That the proposed hours of operation are excessive for the surrounding area;
 - (5) That the proposal fails to meet the requirements of Council's Transport Guidelines for Development in relation to provision of off-street car parking;
 - (6) That the proposed privacy screen would cause adverse streetscape impacts and fails to comply with the safety/security requirements of the Development Control Plan 1997;
 - (7) That the proposal would establish an undesirable precedent for the area;
 - (8) That approval of the proposal 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.

4.

NICHOLS STREET, NOS. 13-29, SURRY HILLS - PROPOSED ERECTION OF DWELLING HOUSES OVER EXISTING RIGHT OF WAY - DEVELOPMENT APPLICATION (U98-00836)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by TABMA Pty Ltd to erect two multiple dwellings on the lane way, one located at the entry point and the other located at the exit point, retaining vehicular access at ground level, for the following reasons, namely:-
- (1) That the proposal fails to comply with the maximum permissible height requirements of the Development Control Plan 1997 and the proposed non-compliance is not justified in the circumstances of the case;

- (2) That the proposal fails to comply with the solar access requirements of the Development Control Plan 1997;
 - (3) That the proposal would cause unacceptable privacy impacts to adjoining dwellings and would fail to comply with the Development Control Plan 1997 in this respect;
 - (4) That the proposal would present excessive bulk to adjoining dwellings;
 - (5) That approval of the proposal 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.

ABERCROMBIE STREET, NO. 201, CHIPPENDALE - REFURBISH EXISTING BUILDING TO ACCOMMODATE CHANGE OF USE FROM PLUMBERS WORKSHOP TO RESIDENCE - DEVELOPMENT APPLICATION (U98-01323)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr Peter Loiterton for permission to refurbish the existing residential building at 201 Abercrombie Street for residential use subject to the following conditions, namely:-
- (1) That prior to the collection of the approved plans and specifications, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or 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 the collection of the approved plans and specifications, 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 \$300, or first installment (as applicable), can be paid to the Council;
 - (3) That the development shall be generally in accordance with plans numbered CD01-09, dated 20 November 1998;

- (4) That planter boxes at least 1m wide containing screening vegetation 1.8m high shall be placed along the eastern and southern edge of the deck facing Abercrombie Street;
- (5) That vertical louvered type privacy screens 1.8m high or a structure ensuring an equivalent level of privacy shall be placed not less than 2m away from the northern parapet wall between the proposed stairs and the Abercrombie Street edge of the deck;
- (6) That only the area south of the planter boxes or screens in condition (5) above shall be used;
- (7) 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;
- (8) 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;
- (9) 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;
- (10) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (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 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);

- (13) That all proposed work shall be wholly within the boundaries of the site;
- (14) That an Environmental Site Assessment (Contamination Assessment) is to be carried out in accordance with the requirements of the DUAP Managing Land Contamination Guidelines, EPA guidelines and State Environmental Planning Policy No. 55 (SEPP55). The assessment will be required to assess potential risk posed by contaminants to health and the environment and contain sufficient information to develop a remedial action plan if required. The assessment will be required to include a site audit statement prepared by an EPA accredited auditor stating that the land is suitable for the proposed use. Council reserves the right to require a site audit at any stage of the investigatory and/or remediation process;
- (15) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, Australian Standard 1668.1 and 2, 1991 and Council's Ventilation Code;
- (16) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (17) That the air handling system ventilating the internal bathroom exhausting at least 10 l/s per square metre of floor area but not less than 25 l/s per sanitary fixture;
- (18) That the laundry shall be ventilated by means of an approved air handling system exhausting at least 20 litres per second;
- (19) That the direction and velocity of the effluent air discharged from the bathroom, laundry and rangehood shall be at least six metres from the boundary of the adjacent allotments and any fresh air intake vents;
- (20) 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";
- (21) 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;
- (22) That the use of the premises shall not give rise to:-

- (a) 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
 - (b) an "offensive noise" as defined in the Noise Control Act, 1975;
- (23) That Certificates of Performance in accordance with Section 5 of Council's Ventilation Code, accompanied by details of the test carried out in respect of ventilation being forwarded to the Director, Health and Community Services at completion and commissioning of the mechanical ventilation systems;
- (24) 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;
- (25) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (26) That all relevant sections of the BCA shall be complied with;
- (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 requirements of the Work Cover Authority shall be complied with;
- (29) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (30) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (31) 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;

- (32) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (33) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (34) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
- (35) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (36) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (37) 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 Part 3.8 of the BCA;
- (38) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (39) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (40) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;

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, 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 shall ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures.

NOTE 2:

Excavated material, construction supplies and onsite debris shall be stockpiled within the property and not encroach upon the footpath, nature strip or road.

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.

DEVONSHIRE STREET, NO. 129, SURRY HILLS - USE PREMISES FOR A COMMERCIAL BROTHEL - DEVELOPMENT APPLICATION (U98-01163)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Distinctive Design Pty Ltd, with the authority of Mr T & Mrs F Peppard for permission to use the premises as a brothel and make alterations, for the following reasons, namely:-
- (1) That the proposal is contrary to the provisions of Clause 37 of South Sydney Local Environmental Plan 1998 and Council cannot grant consent to the proposal;
 - (2) That the proposal is inconsistent with the provisions of South Sydney Local Environmental Plan 1998, in particular having regard to the objectives of the Mixed Uses Zone No. 10;
 - (3) That the proposal does not comply with the requirements, aims and objectives of South Sydney Council's Draft Sex Industry Policy, on the grounds of amenity, cumulative impact and disabled access;
 - (4) That the proposed development would result in cumulative impacts when taking into consideration other existing brothels and related sex industry premises in the vicinity and that it would have an adverse impact upon the character and identity of the neighbouring area through reinforcing a perceived "red light district";
 - (5) That the proposed development would have an adverse impact on the amenity of the neighbourhood due to its scale;
 - (6) That the circumstances of the case suggest that approval of the application is not warranted;
 - (7) That the granting of consent 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.

7.

FITZROY STREET, NO. 55, SURRY HILLS - ERECT 7 RESIDENTIAL UNITS AND 2 SHOPS WITH BASEMENT PARKING - BUILDING APPLICATION (Q98-00605)

- (A) That Council supports an objection, under S82 of the Local Government Act 1993, relating to the Encroachment of balconies over the public way in respect of the above premises.
- (B) That subject to the concurrence of the Director General of the Department of Local Government to the objection in (A) above, Council as the responsible authority, grants its consent to the application submitted by Mr RK Clark for permission to erect a building containing 7 residential units, 2 shops and basement car parking at the abovementioned premises, all in accordance with plans numbered 1E, 2B, 3A and 4C received on 3 July, 1998 subject to the following conditions, namely:-
- (1) That the metal pipes penetrating a wall, floor or ceiling shall be constructed in accordance with Specification C3.15-3 of the BCA and the gaps must be fire-stopped in accordance with Specification C3.15-7 of the BCA;
 - (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 the step on the footpath at the Fitzroy and Foveaux Street frontages shall be deleted;
- (9) That the doors at the top of the stairs that discharge from the basement level shall be sealed to provide adequate smoke separation in accordance with D1.9(f)(ii) of the BCA;
- (10) That the balconies to the Foveaux Street frontage and Fitzroy Street frontage are to comply with part 5 approvals relating to public roads. Division 3 Clause 108:-

Bay windows or balconies may project not more than 450mm beyond the road alignment if the road is not less than 12.2m in width and the projections:

- (a) are limited in extent to not more than 50 per cent of any road frontage of the building at any level; and
- (b) are not at any part within 1350mm of the adjoining property at the road alignment; and
- (c) are not at any part within 3.6m of the road below

-or submitted and amendment under Section 82;

- (11) That the metal pipes penetrating a wall, floor or ceiling shall be constructed in accordance with Specification C3.15-3 of the BCA and the gaps must be fire-stopped in accordance with Specification C3.15-7 of the BCA;

and the following adopted conditions:-

- (12) BC1 - Compliance with Local Government Act 1919;
- (13) BC3 - Compliance with conditions on plan;
- (14) BC4 - Compliance with conditions of DA;
- (15) BC6 - Compliance with Health Report;
- (16) BC8 - Details of contractor;

- (17) BC11 - Inform Council for inspections;
- (18) BC12 - Issue of certificate of class prior to occupation;
- (19) BC13 - Envelope and layout to comply with DA;
- (20) BC29 - Comply with Work Cover requirements;
- (21) BC37 - Compliance with requirements of Sydney Water;
- (22) BC62 - Survey Certificate for setup of building;
- (23) BC63 - Survey Certificate for finished building;
- (24) BC64 - Applicant to make good damage to party walls;
- (25) BC66 - Certificate to be provided for essential services;
- (26) BC112 - Hours of work except for site cranes;
- (27) BC113 - Work to comply with noise standards;
- (28) BC115 - non-standard;
- (29) BC116 - New work not to encroach boundaries;
- (30) BC119 - Requirements when excavating below footings;
- (31) BC122 - Excavations to be guarded (safety);
- (32) BC124 - Footway pavements to be restored;
- (33) BC125 - Owner responsible for additional shoring;
- (34) BC126 - Disposal of water from excavation;
- (35) BC167 - Structural details and certification to be submitted;
- (36) BC170 - Structural certificate upon completion;
- (37) BC186 - No structural work until approval granted;
- (38) BC188 - Shoring to be supervised by engineer;
- (39) BC190 - Shoring to be removed from public way;
- (40) BC192 - Rock anchors to be released before completion;
- (41) BC193 - Owner responsible for repair of footpath;

- (42) BC194 - Owner responsible for avoiding Public Utilities;
- (43) BC195 - Disposal of water from excavation;
- (44) BC196 - Public Way to be adequately supported;
- (45) BC197 - Shoring not be used as formwork;
- (46) BC352 - Glazing materials;
- (47) BC320 - Service shaft openings;
- (48) BC321 - Services passing through floors;
- (49) BC326 - Type of construction;
- (50) BC342 - Materials, linings and surface finishes;
- (51) BC414 - Installation of electricity and Telecommunication services;
- (52) BC417 - Storage under non-fire isolated stairs;
- (53) BC420 - Construction of stairways and ramps;
- (54) BC426 - Exit doors, shutters and grilles;
- (55) BC428 - Exit doors to open in direction of travel;
- (56) BC431 - Steel bollards re: entry doors;
- (57) BC432 - Unobstructed access to all exits;
- (58) BC417 - Storage under non-fire isolated stairs;
- (59) BC420 - Construction of stairways and ramps;
- (60) BC426 - Exit doors, shutters and grilles;
- (61) BC428 - Exit doors to open in direction of travel;
- (62) BC601 - Water closets and shower compartments;
- (63) BC603 - Damp and weatherproofing;
- (64) BC609 - Natural light and ventilation;
- (65) BC612 - Wall sound transmissions;
- (66) BC611 - Ventilation of bathrooms/laundries;

- (67) BC613 - Wall sound transmissions;
- (68) xbc619
- (69) BC617 - Rain or dampness penetration;
- (70) BC618 - Flashing to be provided;
- (71) BC602 - Clothes washing and drying facilities;

Schedule of Essential Services

(Minimum Standard for Design, Installation and Maintenance)

Emergency Lighting

- (72) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;

Fire Alarm System

- (73) That suitable fire alarm systems shall be provided in accordance with the requirements of E2.2 of the BCA;

Exit Signs

- (74) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;

Fire Doors

- (75) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;

Hose Reel

- (76) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;

Portable Fire Extinguishers

- (77) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;

Hydrants

- (78) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (79) That the masonry/brick work at the Fitzroy Street elevation be rendered and finished in a light earthy colour.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

8.

SOUTH DOWLING STREET, NO.561, SURRY HILLS - GATES AT REAR OF PROPERTY - DEVELOPMENT APPLICATION (U98-01279)

- (A) That the Council as the responsible authority grant its consent to the application submitted by Ms R Arpadi with the authority of Mr G Arpadi (joint owner) for permission to install a wooden gate in rear of southern boundary wall to allow for an on site car parking space, 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 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 the plan held in Council's file U98/01279;

and the following adopted standards conditions:-

- (3) Comply With BCA⁹¹⁰⁴
- (4) Construction Certificate Required⁹¹⁵⁵
- (5) Works Within Boundary⁹¹⁵²
- (6) Cost of Signposting³⁰²⁶
- (7) Footway Crossing³⁰²⁸
- (8) Obstruction of Public Way³⁰²⁹

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.

9.

STANLEY STREET, NOS. 71-73, DARLINGHURST - USE FIRST FLOOR FOR FUNCTION AREA - DEVELOPMENT APPLICATION (U98-01249)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act 1979 to the development application submitted by David Lambert of Lamel Enterprises Pty Ltd, with the authority of Lorenzi Holdings, to use the first floor as a function room, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the plans numbered DA01 and held in Council's file U98/01249, except as detailed below;
 - (2) That the first floor function room, as marked on plan DA01 held in Council's file U98/01249:
 - (a) be used for private dining by single group bookings only;
 - (b) not be used at any time for the expansion of extra seating generated by the lack of seating available on the ground floor area of the restaurant;
 - (3) That the hours of operation of the function room be restricted to 12-Noon to 3pm Mondays to Saturdays and 6pm to 12-midnight on Mondays to Saturdays;
 - (4) That the premises shall not be used as a Place of Public Entertainment;
 - (5) That sanitary facilities shall be provided in accordance with the requirements of Part F.2 of the Building Code of Australia;

- (6) The premises being ventilated in accordance with the requirements of the Building Code of Australia, Australian Standard 1668.1 and 2, 1991 and Council's Ventilation Code;
- (7) That no live entertainment shall be provided on the premises;
- (8) That the noise transmission between the function room and adjoining residences be less than 50 decibels;
- (9) 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;
- (10) That plans and specifications showing details of all required mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (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 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;
- (13) That all proposed work shall be wholly within the boundaries of the site;
- (14) That all relevant sections of the BCA shall be complied with;
- (15) 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;
- (16) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (17) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (18) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;

- (19) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

10.

CHALLIS AVENUE, NOS. 12-16, POTTS POINT - DEMOLISH EXISTING BUILDING AND ERECT 6 STOREY PLUS BASEMENT LEVEL BUILDING WITH 6 DWELLINGS, GROUND LEVEL RETAIL AND OFF STREET PARKING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00707)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Challis on Macleay Pty Ltd (owner) for permission to demolish the existing building and erect a 6 storey plus basement level building with 6 dwellings, ground level retail, and four off-street car parking spaces subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans marked "DA.01:DA.03 Amended", dated 5 May 1998;
 - (2) That the proposed basement level containing the off-street car parking area is deleted from the proposal;
 - (3) That the proposal is amended by setting the front building line entirely behind the front property boundary, so that there are no encroachments onto Challis Avenue, whilst retaining the façade finishes and treatments shown in the submitted plans;
 - (4) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$40,500 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.
 - (5) 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 \$3,000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (6) 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
Land Acquisition/ Open Space	\$9,943	2E97001.BGY0
Open Space/ Townscape/Public Domain	\$2,949	2E97002.BGY0
Accessibility And Transport	\$34	2E97006.BGY0
Management	\$129	2E97007.BGY0
Total	\$13,055	

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 98.

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.

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;

- (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 – 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	\$3,031	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 certificate;

- (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 separate Development Application shall be lodged for the specific use of the proposed ground floor level retail area;
- (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/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;
- (13) That the developer shall supply a plan for construction traffic for access to and from the site, which shall be approved by the Director of Public Works and Services prior to the release of the Construction Certificate;
- (14) That a certificate under Section 73 of the Water Board (Corporatisation) Act 1994 in respect of the proposed development shall be submitted to Council prior to the release of the approved building plans;
- (15) That a management plan for the abatement of noise and the suppression of dust during excavation and building work shall be submitted to the Director of Planning and Building and approval obtained prior to the commencement of any work on site;
- (16) 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);

- (17) 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, and
 - (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;

- (18) That if the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place;

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed;

- (19) That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited, and

- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- (a) building work carried out inside an existing building, or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;
- (20) That toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

In this condition:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan, the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

public sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

Sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

- (21) That the garbage/recycling area can access a kerbside collection service;
- (22) That the premises including all internal rooms not provided with adequate natural ventilation shall be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code;
- (23) That the applicant shall enter into a contract for the daily removal of trade waste from any proposed food premises;

and the following adopted standard conditions:

- (24) BC21 - Compliance with Swimming Pools Act;
- (25) LDA21 - No resident parking for residential flat developments;
- (26) LDA376 - Hours of building work;
- (27) LDA377 - Construction noise regulation;
- (28) LDA384 - New alignment levels;
- (29) LDA389 - Stormwater disposal requirements;
- (30) LDA391 - Builder's Hoarding Permits;
- (31) LDA392 - No obstruction to public way;
- (32) LDA393 - Delivery of refuse skips;
- (33) HSC516 - Discharge vents;
- (34) HSC018 - Sanitary facilities;
- (35) HSC111 - Liquid wastes to sewer;
- (36) HSC700 - Compliance with code for Garbage Handling System;
- (37) HSC705 - Construction of garbage room;

- (38) HSC800 - Use of appliances emitting intrusive noise;
- (39) HSC801 - Noise from premises;
- (40) That this consent shall lapse after a period of two years from the date this consent becomes effective, unless the development to which it relates is commenced;
- (41) That the side wall of the development be painted in a light colour.

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 representation in respect of the proposal be advised of Council's decision.

Carried.

11.

BOURKE STREET, NO. 132, WOOLLOOMOOLOO - USE PREMISES AS A BACKPACKERS HOSTEL - DEVELOPMENT APPLICATION (U98-00201)

That consideration of the application submitted by T J Holdings, for permission to use the premises as a backpackers hostel, be deferred as requested by the applicant in fax dated 17 February 1999.

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 the matter be deferred to the next Planning and Development Committee Meeting to be held on 3 March 1999.

Motion, as amended by consent, carried.

12.

QUEEN STREET, NO. 117, BEACONSFIELD - TO DEMOLISH THE EXISTING DWELLING AND TO ERECT TWO TERRACES - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-01282)

- (A) That the Council as the responsible authority grants its consent to the application submitted by John Spiteri, with the authority of Mr H & Mrs C

Lambrou, for permission to demolish the existing building and to erect 2 terraces and to subdivide into 2 lots, 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 \$3750 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 \$500, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (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;

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;

- (4) 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	\$3,159	2E97001.BGY0
Open Space/Townscape/ Public Domain	\$ 962	2E97002.BGY0
Accessibility And Transport	\$ 12	2E97006.BGY0
Management	\$ 48	2E97007.BGY0

Total \$4,181

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 March 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.

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.

- (5) 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 Account	Amount
Multi-Function Administration Centre 2E97008.BGY0	\$861

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.

- (6) That the development shall be generally in accordance with plans numbered Issue A 1 to 6;
- (7) That the rear first floor balconies shall be redesigned to a Juliette balcony to match that of Nos. 119-123 Queen Street;
- (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 the new windows and doors in the front elevation shall be constructed in timber joinery;
- (11) That the applicant shall apply to the Director of Public Works and Services for the allocation of a street number (involves a fee);
- (12) 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;
- (13) 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);
- (14) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (15) That prior to the release of the construction certificate, the developer/owner shall make an application to the Director of Public Works and Services for the provision of the necessary footway crossing and also bear the cost of the crossing and reinstatement of the footpath where any existing crossings adjacent to the site are no longer required (such approval is required under the Roads Act 1993). The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (16) 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;
- (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 stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered

stormwater certifier prior to the approval of the construction certificate;

- (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 all proposed work shall be wholly within the boundaries of the site;
- (21) That the minimum soil depth for planting on any slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth for mulch and a suitable waterproofing and drainage layer
- (22) That solar water heaters shall be provided for each dwelling in accordance with the requirements of DCP 1997.

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.

13.

DAVIES STREET, NO. 41, SURRY HILLS - EXTENSION AT REAR OF DWELLING - DEVELOPMENT APPLICATION (U98-00868)

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Mr P R Reeve, with the authority of the owner Mr R Sharp to erect a first floor addition on existing rear extension and attic conversion involving rear dormer window, 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 \$1,200 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 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 \$160, or first instalment (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 the Council endorsed plans numbered 1-8 Issue 5, dated 10 February, 1999;
- (4) That details of any proposed awning over the first floor walkway, including materials and colours, shall be provided with the Construction Certificate. This shall show the awning being no more than 2m wide and placed in the centre of the walkway;
- (5) That the proposed handrail and awning to the door to Raper Street shall be deleted from the proposal;
- (6) 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;
- (7) That all openings in the proposed extension shall be vertically proportioned to match openings in the existing dwelling;
- (8) 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;
- (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) the location of exhaust/and intake vents;

-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 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 any excavation, demolition and building work shall comply with Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;

- (16) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (17) 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;
- (18) 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.

14.

CLEVELAND STREET, NOS. 310- 312, SURRY HILLS - PROPOSED USE OF PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U98-01208)

That the application submitted by Kenpro Pty Ltd, with the authority of Mrs K McGuire for permission to use the premises at Nos. 310-312 Cleveland Street as a Brothel (with Bondage and Discipline) with trading hours 10.30am to 2.00am, seven days, be deferred as requested by the applicant in fax dated 17 February 1999.

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 the matter be deferred to the Planning and Development Committee Meeting to be held on 17 March 1998, as requested by the applicant in fax dated 22 February 1999.

Motion, as amended by consent, carried.

15.

HENDERSON ROAD, NO. 120, ALEXANDRIA - ALTERATIONS AND ADDITIONS TO TERRACE - DEVELOPMENT APPLICATION (U98-01097)

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 Jacqueline Arias for permission to erect 2 storey additions to the rear of the abovementioned site, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered DA01 dated 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 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 \$300 or first instalment (as applicable), can be paid to the Council, provided that a completed levy payment form accompanies the payment;
 - (4) That a solar hot water heater, heat pump or energy efficient natural gas system shall be installed in accordance with the controls and guidelines on pages E30 and E54 of South Sydney Development Control Plan 1997;
 - (5) That deck and enclosed landing at second storey level shall be deleted from the plan and roofed to a maximum height of 6.1m;
 - (6) That the void area on the north west corner of the first floor shall be deleted and the wall on the boundary relocated to the line of the western wall of the bedroom;

and the following standard conditions:

- (7) Structural Design Certificate⁹⁰⁰⁶
 - (8) Drainage Details with Construction Certificate⁹⁰¹³
 - (9) Comply With BCA⁹¹⁰⁴
 - (10) Comply With the WorkCover Authority⁹¹⁰⁵
 - (11) Works Within Boundary⁹¹⁵²
 - (12) Construction Certificate Required⁹¹⁵⁵
 - (13) Smoke alarms⁹⁵²³
 - (14) Commencement of Structural Works⁹²⁰²
 - (15) Ventilation⁷⁰²³
 - (16) Obstruction of Public Way³⁰²⁹
 - (17) Refuse Skips⁶⁰⁰²
 - (18) Hours of Work and Use of Cranes⁹¹⁵³
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

16.

REDFERN STREET, NO. 116, REDFERN - ALTERATION AND ADDITIONS TO EXTEND HOTEL AND ERECT FIRST FLOOR TIMBER DECK - DEVELOPMENT APPLICATION (U98-01128)

- (A) That the Council as the responsible authority grants its consent to the application submitted by John Greenwood & Associates, with the authority of Greek Orthodox Archdiocese of Australia, for permission to carry out alterations and additions to hotel to create a gaming room and meeting room at 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 \$450 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 numbered DA.01 Issue C dated February 1999;
- (3) That the deck shall not be used as an extension to the meeting room, it shall not be used for any seating, entertainment or dancing;
- (4) That the hours of operation shall be restricted to between 5.00 a.m. to 12 midnight Monday to Saturday, 10.00 a.m. to 10.00 p.m. Sundays;
- (5) That the meeting room shall be used as a meeting room only, no functions or parties are to be held in this room;
- (6) That no dancing or entertainment shall occur in the meeting room;
- (7) That the existing lots shall be consolidated in a single lot prior to the use commencing;
- (8) That no live entertainment shall be provided on the premises;
- (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 the proposed brickwork shall match the existing brickwork, to be detailed with the application for a Construction Certificate;
- (11) That any external glazing shall have a reflectivity not exceeding 20%;
- (12) That the ground floor windows on Redfern Street shall have obscure glazing;

- (13) The door to Redfern Street shall not be propped open and shall remain closed at all times, except to allow patrons to enter/exit the premises;
- (14) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (15) 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;
- (16) That no garbage or industrial waste shall be placed on the public way (e.g. footpaths, roadways, plazas, reserves etc) at any time;
- (17) 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);
- (18) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (19) 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;
- (20) That all proposed work shall be wholly within the boundaries of the site;
- (21) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (22) 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);

- (23) That any excavation, demolition and building work shall comply with Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;
- (24) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (25) That plans and specifications showing details of:-
 - (a) all required mechanical ventilation systems;
 - (b) 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 and approved by Council or an accredited certifier before a 'Condition Certificate' is issued;
- (26) 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;
- (27) That a separate garbage/recycling storage area for commercial use shall be provided, detailed in the application for a construction certificate;
- (28) 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";
- (29) 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;
- (30) 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);
- (31) 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 p.m. on Mondays to Fridays, inclusive, and 7.00 am and 3.00 p.m. 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;

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 applicant be advised that in order to comply with the Local Government Act and (Approvals) Regulation 1993 the following is required:
 - (1) That the required exit stair from the first floor shall be relocated so as to comply with the BCA and the applicant must demonstrate that the hotel has the legal right to build in and over the right of way if the stair is moved into the right of way;
 - (2) 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;
 - (3) 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;
 - (4) That all relevant sections of the BCA shall be complied with;
 - (5) That no entertainment shall be provided on the premises;
 - (6) 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);

- (7) That all proposed work shall be wholly within the boundaries of the site;
- (8) 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;
- (9) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (10) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (11) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (12) That the proposed work shall be constructed in Type (C) construction in accordance with the requirements of specification C1.1-(5) of the BCA;
- (13) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (14) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
- (15) That unobstructed access shall be provided and maintained at all exits at all times from tenancies and from public areas;
- (16) That the discharge from exits shall comply with D1.10 of the BCA;
- (17) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;

- (18) 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
 - (19) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
 - (20) That sanitary facilities for people with disabilities shall be provided in accordance with the requirements of F2.4 of the BCA;
 - (21) That all internal bathrooms shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
 - (22) That floor wastes are to be provided to the floors for each bathroom in accordance with the requirements of Part F1.11 of the BCA;
 - (23) That the air conditioning unit located on the Redfern Street frontage of the Tudor Hall Hotel shall be removed to the satisfaction of the Director of Planning and Building.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

17.

PROSPECT STREET, NO. 38, SURRY HILLS - FIRST FLOOR BRICK EXTENSION TO DWELLING - SECTION 96 AMENDMENT (U98-00044)

- (A) That the Council as the responsible authority grants its consent pursuant to Section 96 of the Environmental Planning and Assessment (Amendment) Act 1997, to modify the consent numbered U98-00044 and dated 26 August 1998, in accordance with the application submitted by Mr S Jalinek (owner) dated 1 December 1998, following deletion of Conditions (1) to (6) and the insertion in lieu of the following new conditions, namely:-
- (1) That the development shall be generally in accordance with the Plans numbered 0001 dated 27 December 1997 and amending Plans numbered 0002 and 0005a dated 5 November 1998 and 0003a-1 dated 18 December 1998;
 - (2) That the parapet of the second floor extension shall not extend above the parapet of the adjoining terrace to the west by more than 300 mm and that details shall be submitted with the Building Application;

- (3) That the pitch/slope of the roof line at the Prospect Street elevation shall be the same pitch/slope of the roof of the adjoining terrace to the west; details shall be submitted with the Building Application;
 - (4) That ornamentation, such as string courses, rendered surrounds to the first and second floor windows, window sills and lintels shall be applied to the facade; details of this treatment shall be submitted with the Building Application and shall be to the satisfaction of the Director of Planning and Building;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

18.

SYDNEY PARK ROAD, NOS. 410-416, ALEXANDRIA - CONSTRUCTION OF C.A.R.E.S. FACILITY AND ADMINISTRATION BUILDING - DEVELOPMENT APPLICATION (U98-00671)

- (A) That the Council as the responsible authority grants consent to the application submitted by Mr John Bourke, on behalf of the City of South Sydney (owner) for permission to construct a C.A.R.E.S. facility incorporating an administration building, and a bicycle and road safety education complex, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with drawings numbered DA01 and DA11 dated July 1998;
 - (2) That the existing landscaped area to the immediate west of the proposed development site shall not be disturbed, altered or removed as a result of this development proposal;
 - (3) That the relevant sections of the Sydney Park Plan of Management, dated August 1995, shall be reviewed and updated to recognise the existence of the CARES facility within Zone D of Sydney Park to ensure that ongoing development in the park is in accordance with this Plan;
 - (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 be submitted to Council in

accordance with Schedule 1 Form 1 Contaminated Land Management (Site Auditors);

- (5) That all internal toilets and laundries shall be mechanically ventilated in accordance with the Building Code of Australia;

and the following adopted conditions:

- (6) LDA376 - Hours of building work;
- (7) LDA384 - New alignment levels;
- (8) LDA389 - Stormwater disposal requirements;
- (9) LDA392 - No obstruction to public way;
- (10) LDA396 - Works within boundaries;
- (11) HSC018 - Sanitary facilities;
- (12) HSC500 - Premises to be ventilated;
- (13) HSC501 - Plans and specification of ventilation;
- (14) HSC700 - Compliance with code for Garbage Handling System;
- (15) HSC801 - Noise from 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.

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

Carried.

19.

WILLIAM STREET, NO.220, WOOLLOOMOOLOO - EXTEND HOURS OF CAFÉ- DEVELOPMENT APPLICATION (U98-01333)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Henry Sy with the authority of T. Comino, B. Comino, P. Comino, and D. Comino for permission to extend the abovementioned café operating hours, subject to the following conditions, namely:-
- (1) That the hours of operation shall be restricted to between 12.00 noon to 2.00 a.m. daily;
 - (2) That patrons leaving the premises shall be reminded to leave quietly and quickly and not loiter on William Street;
 - (3) That no entertainment shall be provided on the premises;
 - (4) 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 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.
- (C) That the application be for a trial period of 12 months.

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 consent to the application submitted by Henry Sy with the authority of T Comino, B Comino, P Comino, and D Comino for permission to

extend the abovementioned café operating hours, subject to the following conditions, namely:-

- (1) That the hours of operation shall be restricted to between 12.00 noon to 2.00am daily. These hours shall only be for a 12 month trial period from the date of commencement, after which the hours shall revert to the existing approved hours. A further application may be submitted at the end of the trial period for a continuation of the extended hours.
- (2) That patrons leaving the premises shall be reminded to leave quietly and quickly and not litter on William Street;
- (3) That no entertainment shall be provided on the premises;
- (4) The LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5hz to 8 KHz inclusive) between the hours of 12.00 midday to 12.00 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) The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8 KHz inclusive) between the hours of 12.00 midnight to 2.00am 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;
- (6) Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises;
- (7) That an acoustic assessment shall be carried out by an accredited acoustic consultant and submitted to Council prior to the extension of hours commencing assessing and describing how the operation of the premises will comply with the recommended conditions of approval;
- (8) 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;
- (9) 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".

The reason for Council granting consent, subject to the above condition, 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.

20.

LAWRENCE STREET, NO. 43, ALEXANDRIA - RENOVATION OF EXISTING GROUND FLOOR DWELLING INCLUDING ADDITION OF FIRST FLOOR AND ATTIC - DEVELOPMENT APPLICATION (U98-01226)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr Mark Jenkinson, for permission to make alterations and additions to the property at No. 43 Lawrence Street , 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 \$2100 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 \$280, 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 plans numbered DA98.115 sheets 1 and 2;
- (4) That a lattice type privacy screen shall be erected 1.5m long and 1.8m high along the edge of the rear first floor balcony closest to the western boundary;
- (5) That a solar hot water heater, heat pump or energy efficient natural gas system shall be installed in accordance with the controls and guidelines on pages E30 and E54 of South Sydney DCP 1997;
- (6) 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;

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

- (7) That paving shall be of a permeable nature;

and the following adopted conditions:

- (8) Matching Brickwork¹¹⁷
- (9) Works Within Boundary⁹¹⁵²
- (10) Exhaust Vents⁷⁰³⁷
- (11) Noise and Vibration⁷⁰²⁶
- (12) Sewer Discharge⁸⁰⁰⁴
- (13) Survey Certificate at Completion⁹⁰⁰²
- (14) Storage/Garbage⁶⁰⁰⁹
- (15) Vehicle Cleansing⁷⁰⁰⁹
- (16) Ventilation⁷⁰²³
- (17) Part Mechanical Ventilation⁷⁰²⁷
- (18) Builders Hoarding Permit¹⁰⁰⁸
- (19) Alignment Levels¹⁰¹⁶
- (20) Cost of Signposting³⁰²⁶

- (21) Footway Crossing³⁰²⁸
- (22) Disabled Entry³⁰²⁴
- (23) Stormwater Standard⁴⁰⁰¹
- (24) Refuse Skips⁶⁰⁰²
- (25) Structural Design Certificate⁹⁰⁰⁶
- (26) Drainage Details with Construction Certificate⁹⁰¹³
- (27) Comply With BCA⁹¹⁰⁴
- (28) Construction Certificate Required⁹¹⁵⁵
- (29) Comply With the WorkCover Authority⁹¹⁰⁵
- (30) Construction Hours⁹¹⁵¹
- (31) Excavations and Backfilling Safely⁹¹⁶¹
- (32) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (33) Commencement of Structural Works⁹²⁰²
- (34) Protection from Termites⁹²⁰³
- (35) Smoke alarms⁹⁵²³
- (36) Ceiling heights of rooms⁹⁶¹¹
- (37) Natural light and ventilation⁹⁶¹³
- (38) Protection of walls and floors in wet areas⁹⁶⁰²

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.

21.

PLANNING - THIRD NATIONAL MAIN STREET CONFERENCE - MELBOURNE, VICTORIA FROM 18 - 21 APRIL 1999 - QUESTION OF ATTENDANCE OF COUNCIL REPRESENTATIVES (2015557)

- (1) (a) That Council approve attendance by the Strategic Planning Manager and Mainstreet Projects Officer at the 1999 National Mainstreet Conference to be held at the Melbourne Hilton on the Park from 18 - 21 April; funds for the cost of registration fees, accommodation and travel being available in the 1998/99 Strategic Planning Training Budget Account GQB 77R0;
- (b) That Council approve the attendance by a representative of the Public Works and Services Department at the 1999 National Main Street Conference, for which funds are available in the Public Works and Services Revenue Estimates for 1998/99.
- (2) That interested Councillors attend the 1999 National Mainstreet Conference, and that registration fees and out of pocket expenses for travel and subsistence be borne by Council, for which funds are available from 1998/99 Revenue Estimates (EBE 77L0, EBE 77M3, EBE 77R0).

(DPB Report 12.2.99)

Carried.

22.

WELLS STREET NO.59 REDFERN – ALTERATIONS TO DWELLING AND ERECT STUDIO AT REAR – DEVELOPMENT APPLICATION (U98-01245)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Distinctive Design Pty Ltd for permission to make alterations and additions to the rear of the existing dwelling and construct a single storey studio in the rear of the property, 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 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 \$120, or first instalment (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 plans numbered 2.01, 3.01 and 4.01, dated 11 November 1998;
- (4) That the exposed external walls shall be rendered or bagged and painted, with the agreement of adjoining owners, and work shall be detailed in the application for a construction certificate (and completed prior to issuing an Occupation Certificate);
- (5) That the proposed studio shall be used in conjunction with the existing dwelling for residential purposes and shall not be used in separate occupation for residential or non-residential purposes without separate development consent;
- (6) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (7) 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;
- (8) 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;
- (9) 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;
- (10) 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);
- (11) That all proposed work shall be wholly within the boundaries of the site;

- (12) That the development consent is granted without prejudice to any further action being taken under Section 121 Part 4 of the Environmental Planning and Assessment Act 1997 as amended in respect of the provisions of adequate fire safety and egress in the building;
- (13) 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;
- (14) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (15) 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;
- (16) That all proposed work shall be wholly within the boundaries of the site;
- (17) That the requirements of the Work Cover Authority shall be complied with;
- (18) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (19) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (20) That the demolition work shall comply with Australian Standard 2601-1991;
- (21) 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;
- (22) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (23) 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
- (24) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (25) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (26) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (27) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (28) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
- (29) comply with the requirements of Part 3.8.2 of the BCA;
- (30) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively.

NOTE: The applicant be advised that the applicant may be liable for prosecution under the Local Government Act 1993 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. That applicant is advised to ensure that its employees, agents, or sub-contractors 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 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.

23.

MACLEAY STREET, NOS. 36-38, POTTS POINT - RESIDENTIAL DEVELOPMENT - BUILDING APPLICATION (Q98-00719)

- (A) That the Council as the responsible authority grants its consent in principle to the application submitted by Ercole Palazzetti Pty Ltd (architects) for permission to erect a new residential apartment building for the above premises all in accordance with the submitted plan and specification numbered BA237 01 to 09 received 2 October, 1998, subject to the following conditions, namely:-
- (1) That an acoustical engineers report be submitted, confirming that the condensers when installed will not give rise to an offensive noise as defined under the Provisions of the Noise Control Act 1975.
 - (2) That a management plan for the abatement of construction noise and the suppression of dust during demolition, excavation and building work shall be submitted to the Director of Planning and Building for approval;
 - (3) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the EPA. This assessment will need to certify that the site does not pose a risk to public health and is suitable for the intended use.
- (B) That upon compliance with of the abovementioned conditions, Council grants its full consent subject to the following conditions, namely:-
- (1) That compliance shall be given to the conditions of the approval granted by Council under Development Application No. U97-00887 (enclosed herein);
 - (2) That additional details shall be submitted for approval in accordance with condition 11 of the report dated 14 October 1998 of the Director of Health and Community Services prior to the commencement of that work;
 - (3) That, in accordance with the requirements of Clause 29 of the Local Government (Approvals) Regulation 1993, the Council shall be informed in writing **prior to the commencement of work** of the following:-

- (a) the name and contractor's licence number of the licensee who has contracted to do or intends to do the work; or
- (b) the name and permit number of the owner-builder who intends to do the work;

and the Council shall be immediately informed in writing if:-

- (c) a contract is entered into for the work to be done by a different licensee; or
 - (d) arrangements for the doing of the work are otherwise changed;
- (4) That the applicant shall inform Council once the stages indicated on the approved plans have been reached so inspections can be carried out by Council Officers;
 - (5) That the approval shall only relate to the work shown on the approved plans;
 - (6) That the new lift shall be fully enclosed by construction having a minimum fire resistance level of 120/120/120;
 - (7) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
 - (8) That the proposed fire isolated stairs shall be enclosed for their full height with construction having a minimum fire resistance as listed under Part C and discharge directly, or by way of its own fire isolated passageway, to a road or open space (or as permitted by D1.7 of the BCA) in accordance with the requirements of Parts C and D of the BCA;

and the following adopted standard conditions:

- (9) BC2 - Compliance with Local Government Act 1993;
- (10) BC3 - Compliance with conditions on plan;
- (11) BC26 - Comply with BCA;
- (12) BC29 - Comply with Work Cover requirements;
- (13) BC62 - Survey Certificate for setup of building;
- (14) BC111 - Hours of work;
- (15) BC112 - Hours of work except for site cranes;

- (16) BC116 - New work not to encroach boundaries;
- (17) BC119 - Requirements when excavating below footings;
- (18) BC120 - Letter of consent to underpinning;
- (19) BC121 - Excavations and backfilling to be in accord with relevant standards;
- (20) BC122 - Excavations to be guarded (safety);
- (21) BC123 - Demolition to comply with standard;
- (22) BC167 - Structural details and certification to be submitted;
- (23) BC170 - Structural certificate upon completion;
- (24) BC189 - Termite protection;
- (25) BC306 - Walls to boiler rooms and the like;
- (26) BC308 - Separation of electricity substation/switchboard;
- (27) BC316 - Penetration of services to fire isolated exits;
- (28) BC320 - Service shaft openings;
- (29) BC321 - Services passing through floors;
- (30) BC342 - Materials, linings and surface finishes;
- (31) BC343 - Materials and finishes in fire isolated exits;
- (32) BC352 - Glazing materials;
- (33) BC403 - Unobstructed height of exits;
- (34) BC407 - Discharge of exits;
- (35) BC410 - Construction of fire isolated exits;
- (36) BC415 - Restriction of access to service shafts;
- (37) BC420 - Construction of stairways and ramps;
- (38) BC423 - Threshold of doorway;
- (39) BC426 - Exit doors, shutters and grilles;

- (40) BC429 - Non-locking of exit doors;
- (41) BC430 - Signs on exit doors;
- (42) BC436 - Notices re: offences relating to fire exits;
- (43) BC601 - Water closets and shower compartments;
- (44) BC602 - Clothes washing and drying facilities;
- (45) BC603 - Damp and weatherproofing;
- (46) BC604 - Extra toilet on ground level;
- (47) BC609 - Natural light and ventilation;
- (48) BC611 - Ventilation of bathrooms/laundries;
- (49) BC614 - Floor sound transmissions;
- (50) BC616 - Bathroom and laundry floor requirements;
- (51) BC617 - Rain or dampness penetration;
- (52) Footway Crossing³⁰²⁸
- (53) Obstruction of Public Way³⁰²⁹
- (54) Stormwater Standard⁴⁰⁰¹
- (55) Garbage on Public Way⁶⁰⁰¹
- (56) Refuse Skips⁶⁰⁰²
- (57) Stormwater Design Certificate⁹⁰¹⁴
- (58) Alteration of Public Services¹⁰⁰⁶
- (59) Alignment Levels¹⁰¹⁶
- (60) Road Opening Permit³⁰²⁵
- (61) BC504 - Fire fighting equipment during construction;
- (62) BC516 - Fire control room;
- (63) BC518 - Smoke control;
- (64) BC521 - Stretcher facility;

(65) BC522 - Warning sign for lift;

(66) BC523 - Emergency lift;

Schedule of Essential Services

(Minimum Standard for Design, Installation and Maintenance)

(67) BC314 - Fire doors to stairways/passageways/ramps;

(68) BC318 - Fire entrance doors to units;

(69) BC317 - Fire doors to lift shafts;

(70) BC501 - Fire extinguisher;

(71) BC507 - Hose reels;

(72) BC508 - Hydrants;

(73) BC509 - Installation of hydrants;

(74) BC515 - Sprinkler system;

(75) BC519 - Smoke control in fire isolated stairs;

(76) BC524 - Emergency lighting;

(77) BC525 - Exit signs;

(78) BC526 - Directional exit signs;

(79) BC527 - Warning and intercommunications systems;

(80) BC528 - Fire detectors and alarm system;

(81) BC310 - Protection of external openings.

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

Carried.

24

PLANNING - ADVERTISING - TV INTERACTION SCREENS (2020105)

That the report by the Director of Planning and Building dated 8 February 1999, regarding the above matter, be received and noted.

Carried.

25.

**ROSEBERY AVENUE, NO. 71, ROSEBERY - CREATE OPENING TO
STOREROOM AND IN FILL WITH GLASS BLOCKS - DEVELOPMENT
APPLICATION (U98-01167)**

(A) That the Council as the responsible authority grants its consent to the application submitted by Mr C. Pidoula with the authority of Mr & Mrs A Pidoula, for permission to create an opening with glass block infill in the rear wall of the detached garage at the abovementioned premises, subject to the following conditions, namely:-

- (1) That this consent excludes those parts of the work which have been undertaken prior to this consent being granted namely the creation of the opening;
- (2) That the applicant be advised that the proposed glass blocks infill wall is not protected by any easement for natural lighting;
- (3) That the infilling of the existing opening shall be completed within 3 months of the date of this consent;
- (4) That an engineer's certificate shall be submitted, indicating that the unauthorised opening is adequately supported in accordance with the Building Code of Australia (Housing Provisions);
- (5) That a sample of the proposed opaque glass blocks shall be submitted to the satisfaction of the Director of Planning and Building before the commencement of installation;
- (6) 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;
- (7) 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.

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;

- (8) That the development consent shall relate only to the work shown coloured on the numbered 98/071, dated November 1998;

and the following adopted standard conditions, namely:

- (9) Construction Certificate Required⁹¹⁵⁵
- (10) Construction Hours⁹¹⁵¹
- (11) Construction Noise⁷⁰⁰⁸
- (12) Garbage on Public Way⁶⁰⁰¹
- (13) Noise and Vibration⁷⁰²⁶
- (14) Clean Water Discharge⁴⁰⁰²
- (15) Compliance with Building Code of Australia⁸⁵⁰¹
- (16) Residential Building Work⁸⁵⁰³

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: The applicant be advised that the applicant may be liable for prosecution under the Environmental Planning and Assessment Act for breach of an approval 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.

NOTE: That the applicant be advised that no further action shall be taken in respect of the unauthorised work completed to date, but that Council shall have no hesitation in using its full powers under the Environmental Planning and Assessment Act should any unauthorised work be carried out in the future.

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

Carried.

26.

BOURKE STREET, NOS. 782 - 822 (ACI SITE), WATERLOO - ERECTION OF SIGN - DEVELOPMENT APPLICATION (U98-01311)

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 Meriton Apartments (owner), for permission to display an advertising sign measuring 12m wide x 7.2m high affixed to the retained facade at the corner of Crescent Street and South Dowling Street with external outrigger type lighting, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with reference Drawing No. 2 and site plan both dated December 1998;
 - (2) That the proposed lighting shall be adjusted and the level of intensity set so that it does not cause any inconvenience to residents in the building opposite the site to the north and the lighting shall be maintained and monitored. (The level of lighting shall be reduced if required by Council at any time if it is found to cause inconvenience to residents);
 - (3) That the sign and associated lighting fixtures shall be removed no later than 12 months from the date of the commencement of this consent unless a further application has been submitted and approval obtained to continue the display of the sign;
 - (4) That no flashing, moving or intermittent lighting shall be installed on the premises or on any external sign associated with the development;
 - (5) 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;
 - (6) That the lights for the signage be turned off at 10.00 p.m.

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

Carried.

The Planning and Development Committee Meeting terminated at 8.41 p.m.

The Council Meeting terminated at 7.29 p.m.

Confirmed at a meeting of South Sydney City Council
held on1999

CHAIRPERSON GENERAL MANAGER