

223RD Meeting**Erskineville Town Hall
Erskineville****Wednesday, 24 March 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 March 1999.

PRESENT

The Deputy Mayor, Councillor Jill Lay (Acting Chairperson)

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

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GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Macken, seconded by Councillor Deftereos:-

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

Carried.

Apology

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

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE DEPUTY MAYOR

12 April, 1999

**NATIONAL ACCREDITATION OF ALEXANDRIA
CHILD CARE CENTRE (2013319)**

I have recently been notified that Council's long day child care centre at Alexandria has been accredited by the National Child Care Accreditation Council under the Quality Improvement and Accreditation System and has been awarded the highest rating of accreditation possible.

The accreditation rating is the most tangible indicator of quality available in the child care industry at present. The process of accreditation involves an 18 month self study which culminates in a 2 day visit from a reviewer from the Accreditation Council. Following this process, services are either accredited as basic, good, excellent or may fail to gain accreditation. Basically, the higher the rating achieved, the longer the period of accreditation given, with the maximum period of accreditation being 3 years.

The self study involves the centre staff examining practices around 52 quality principles in the broad areas of Interactions, Program, Nutrition, Health and Safety practices and Centre Management and Staff Development.

GENERAL MANAGER

This involves the staff critically examining their practices against best practice examples and ensuring that policies and processes exist to deal with all matters relating to the care of the children, including interactions between staff and with parents and visitors to the centre. It also involves surveys to parents to gain their feedback on policy, practices and procedures and how they feel the centre rates in terms of quality.

Recommendation:

On behalf of Council I would like to congratulate the staff at the centre on attaining an excellent rating which corresponds to a 3 year accreditation, and thank the staff and parents involved in the process for their efforts and ask Council Officers to pass on Council's congratulation..

Councillor Jill Lay (SGD)

Deputy Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE DEPUTY MAYOR

12 April, 1999

**PUBLIC RELATIONS - CONDOLENCES TRIBUTE TO DOC CUNNINGHAM
(2004380)**

South Sydney has lost a hard working and caring member of our community with the sad death on Monday of Doc Cunningham or Black Santa as he was known to most.

Doc Cunningham lived in the South Sydney area for many years. He was a member of the Yuin Tribe from the North Coast of NSW.

He is best known for his tireless work in fundraising and filling food orders for needy families throughout Australia and for delivering toys to many disadvantaged Aboriginal children at Christmas time.

Doc worked for many years in Aboriginal Affairs. He worked with the Foundation for Aboriginal Affairs in Central Sydney as a Field Officer and established the Western District Foundation for Aboriginal Affairs at St Marys in 1976.

Many people would be familiar with Doc around the streets of South Sydney and with his outstanding efforts in providing and caring for the Aboriginal community.

GENERAL MANAGER

Doc's hard work and dedication will be greatly missed. It would be fitting for Council to send our condolences to the family of Doc and a tribute to his contribution to the South Sydney community and to his memory.

Recommendation:

That a floral tribute and letter of condolence under the Mayor's signature be sent to the home of the family of Doc Cunningham.

Councillor Jill Lay (SGD)

Deputy Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

24 March 1999

**PROPERTIES - DOWLING STREET, NO. 244, WOOLLOOMOOLOO -
APPLICATION FOR TEMPORARY USE BY WOMENS
VOLUNTARY GROUP (2014541)**

The Voluntary Womens Group who help the Churches with food packages over the Easter period, has approached Council to use the above mentioned premises for four weeks while their existing premises are repaired.

The above mentioned property has been earmarked for disposal in 1999. The premises are termite infested and repair is considered uneconomical. The property (shown to the Group) has been vacant since last October and it is intended to remain vacant pending the sale of seven terraces in the block.

From Council's position, having a temporary tenant in the terrace helps alleviate the perception that the block is vacant and provides a form of security. Past experience has proven that once properties are vacant, squatters move in and often destroy a premise.

The Group is willing to pay a total fee of \$300.00 for use of the premises over the four-week period. The Group's Co-ordinator is known to the Properties Branch Manager and can be relied on to ensure the premises are suitably maintained.

GENERAL MANAGER

RECOMMENDATION:

That approval be given to the Voluntary Womens Group to use the abovementioned premises for approximately four weeks, subject to the following conditions, namely:-

- (1) That a Residential Lease Agreement is executed by Council;
- (2) Total rental during the period 27 March 1999 to 17 April 1999 of occupation will be \$300.
- (3) Public Liability Insurance is to be provided by the tenant.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

19 March 1999

**PROPERTIES - DOWLING STREET, NOS. 228 - 244, WOOLLOOMOOLOO
AND GARDEN STREET, NO. 71, ALEXANDRIA (2017713)**

South Sydney City Council resolved on 25 February 1998, to sell the terrace buildings at Nos. 228-244 Dowling Street, Woolloomooloo (excluding two terraces occupied by subsidised tenants). An additional property at No. 71 Garden Street, Alexandria, was identified as suitable for disposal in accordance with the South Sydney City Council Management Plan 1998-2000.

In order to add value to these properties prior to disposal, a plan of subdivision was prepared to enable the terrace buildings to be sold individually given that the properties are currently consolidated over one or two allotments. Council approved the subdivision, however, a condition of consent required Council to comply with the subdivision requirements of Sydney Water. As a result, Sydney Water served notice requiring that prior to the sale, each terrace would have its own separate on-site sewer line. On 16 February 1999, Council entered into agreements with Sydney Water to separate the sewers at the above properties.

Approximate **capital costs** to provide on-site sewer lines to each of the properties are estimated as:

GENERAL MANAGER

• 228-244 Dowling Street Properties (BLD 028 & 029)	\$100,000
• 71 Garden Street, Alexandria (BLD 041)	\$25,000
Total	<u>\$125,000</u>

Funds in the order of \$150,000 have been sought for this work in the 1999/2000 Works Budget.

It is to Council's advantage to complete works immediately, in order to meet the sale this financial year. It is expected that this expenditure may be recovered as part of the sale proceeds by say 31 July 1999.

RECOMMENDATION

That Council approve funds in the sum of \$150,000 for the purpose of separating sewer connections, as required for development consent by Sydney Water, prior to the sale of the subdivided properties for which funds for these Capital Works are available from Properties Reserve for 1998/1999. These funds will be replenished following the sale of the properties.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Macken, seconded by Councillor Harcourt:-

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

It was moved by Councillor Bush, seconded by Councillor Fowler, that the minute by the General Manager be amended by the deletion of any reference in the above minute of the property at No. 71 Garden Street, Alexandria, to allow for further community consultation with residents regarding the proposed Plan of Management.

Amendment negatived.

It was moved as an amendment by Councillor Lay, seconded by Councillor Harcourt, that a new clause be added to the recommendation, namely:-

That a report be prepared on the implication of removing No. 71 Garden Street, Alexandria, from sale and also investigate possible consultation with the community regarding the property.

Amendment carried.

Motion, as moved by Councillor Lay, carried.

GENERAL MANAGER

MINUTE BY THE GENERAL MANAGER

24 March 1999

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

A minute by the General Manager dated 24 March 1999, was circulated to all Councillors prior to the Council Meeting.

The Council resolved that the press and the public be excluded from this Item, and further, access to the report be withheld because in the opinion of the Council, publicity of the proceedings of the Council would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The reasons for the press and public being excluded was because the General Manager's Minute related to a legal matter.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Fowler, seconded by Councillor Macken:-

That the minute by the General Manager, be received and noted.

Carried.

MINUTE BY THE GENERAL MANAGER

24 March 1999

**PROPERTIES - PROPOSED ACQUISITION - LACHLAN STREET,
NOS. 19 - 27, WATERLOO (2020597)**

A minute by the General Manager dated 24 March 1999, was circulated to all Councillors prior to the Council Meeting.

The Council resolved that the press and the public be excluded from this Item, and further, access to the report be withheld because in the opinion of the Council, publicity of the proceedings of the Council would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

GENERAL MANAGER

The reasons for the press and public being excluded was because the General Manager's Minute related to a property matter.

J. W. Bourke (SGD)
General Manager

At this stage and at 6.50 pm, it was moved by Councillor Fenton, seconded by Councillor Harcourt:-

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the foregoing matter, as it dealt with an acquisition of a property by Council.

Carried.

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

Councillors Bush, Deftereos, Fenton, Fowler, Harcourt, Lay, Macken, and Waters.

At 7.03 pm the Council Meeting resumed.

The Deputy 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:-

That the recommendation as contained in the minute by the General Manager dated 24 March 1999, regarding the possible property acquisition at Nos. 19 - 27 Lachlan Street, Waterloo, be approved and adopted.

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

PETITIONS

1.

The Deputy Mayor tabled a petition received by the General Manager with approximately 42 signatures appended from residents of Young and Zamia Streets, Redfern, requesting speed cameras and the reduction of speed limits in Young and Zamia Streets, Redfern.

Received.

GENERAL MANAGER

2.

The Deputy Mayor tabled a petition received by the General Manager with approximately 43 signatures appended from small businesses in Mountain Street, Ultimo, requesting the opening of Howard Street and Owen Lane, Ultimo, for parking.

Received.

3.

Councillor Bush tabled a petition with approximately 90 signatures appended from residents surrounding Caroline Lane, Redfern, requesting that Council not support the Health Department review of the injecting equipment program at Caroline Lane, Redfern.

Received.

QUESTIONS WITHOUT NOTICE

1.

BOURKE STREET NO.903 - 921, WATERLOO - DEMOLITION OF THE WATER BOARD SITE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2013426)

Question:

Two years ago I requested the Mayor to write to the Minister responsible for the demolition of the Water Board property located on Bourke and McEvoy Streets, Waterloo.

I have not yet seen a response to that request. Who gave the green light for the demolition of the proposed heritage building?

Can a report come to Council that addresses the Governments intentions for this block?

Answer by the Deputy Mayor:

I will ask the Director of Planning and Building to provide a report into the demolition of the site and have it circulated in the Councillors Information Service

GENERAL MANAGER

2.

MOORE PARK ROAD, MOORE PARK - FOX STUDIO - DECISIONS MADE BY MINISTER - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2014833)

While every decision on the showground site is now done behind Ministerial door, can a report be prepared to see why the Minister has not followed the due process which may include:-

- The method of sale of alcohol
- Proposed hours
- Points of sale

The Minister of Gaming and Racing require the LAB to:-

- advertise the applications (i.e. not the granting of them in metropolitan press)
- Notify Council/Local police/any RAG/other licensees.

So why did not the Minister follow due process and instead had another concession to Fox Studios, ignoring again the good planning, severely impacting on surrounding business and ignoring the property hold in the surrounding area?

Can the General Manager write regarding a response from the Minister?

Answer by the Deputy Mayor:

I am not sure of the issue as this process is not a Council decision, it is a State Government decision. However, I am more than happy to request the General Manager write to the Minister seeking clarification as to what steps were undertaken to investigate and then grant this licence.

3.

STREETS - INSTALLATION OF STREET FURNITURE - LETTER TO COUNCILLORS - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2014501)

Question:

I refer to a letter from the General Manager of 19 March 1999, requesting me to “not cause a disturbance” to the installation of the Street Furniture. Considering that I voted against the 20 year long contract, I will ask how the General Manager can request an elected representative to follow a resolution that was disagreed with in the first place?

GENERAL MANAGER

Can a report be prepared for the next Planning and Development Committee where locations designated by the contractor are in conflict with nearby property holders as in Crown Street, Surry Hills?

Answer by the General Manager:

I only asked for assistance from yourself as well as from other Councillors. In relation to the second part of your question, I can have a report prepared for Committee.

Answer by the Deputy Mayor:

I will ask the Director of Planning and Building to prepare a report for Council's Committee.

4.

CLEVELAND STREET, NO. 385, REDFERN - NORFOLK HOTEL - CURRENT APPROVALS FOR LICENCED AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2004768 - U98-01270)

Question:

I refer to a Development Application approval of 1988, to the Norfolk Hotel, corner of Cleveland and Walker Streets, Redfern, that conditioned an extension of hours to or site car parking and loading dock which now appears to be a licenced area. Can I have a report outlining current approvals?

Answer by the Mayor:

I will ask the Director of Planning and Building to prepare a report for the Councillors Information Service.

5.

CLEVELAND STREET, NOS. 319-327, REDFERN - ACTION ON ILLEGAL WORK - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER. (U96-00292)

Question:

I refer to illegal work on properties Nos. 321-327 Cleveland Streets, Redfern. These properties have been noted to Council Officers throughout this year since they were sold in 1998. Major works and construction, even the delivery of commercial kitchen fittings when referred to Council have taken 3 months for some action. Yet this is a property owner known to Council. Does the Department of Planning and Development have appropriate communication for management to its outdoor or ordinance staff for complaints from surrounding property holders to receive appropriate action.

GENERAL MANAGER

Answer by the Deputy Mayor:

I will have that report prepared for the Councillors Information Service, detailing the method of communication and also details on the incidents and how it is being handled

6.**PARKS - PALMER STREET, DARLINGHURST - REQUEST FOR INSTALLATION OF DOGGIE LOO - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (P52-00069)****Question:**

I have had a request for a doggie loo to be placed in the park at the top of Palmer Street near Oxford Street.

I have heard statements that the playground equipment is now used by Children and that the swings are used by adults and there is concern that accidents may happen.

The gates to the park are locked between 5.30 and 6.00 p.m. each evening and some people would like to enter the park until 7.00 p.m.

Could these matters be investigated?

Answer by the Deputy Mayor:

I will refer these matters to the Director of Public Works and Services for investigation and have a report prepared for you.

REPORT OF THE FINANCE COMMITTEE

17 March 1999

PRESENT**Councillor Sean Macken (Chairperson)****Councillors – Margaret Deftereos, Sonia Fenton.**

At the commencement of business at 6.37 pm those present were:-

Councillors - Deftereos, Fenton and Macken.

GENERAL MANAGER

Apology:

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

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

That the Report of the Finance Committee of its meeting of 17 March 1999, be received and the recommendations set out below for Items 2,3,5, 7 to 9, inclusive, 11,12, 14 and 17, be adopted. The recommendations set out below for Items 1,4,6,10,13,15 and 16 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.**ADMINISTRATION - CODE OF CONDUCT - REVIEW (5076501)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That Council adopts the Code of Conduct and approves of:-

(a) the Code of Meeting Practice being amended to incorporate information on how to deal with conflicts of interest in meetings including specifically:

- the need to minute conflicts;
- declaring the nature of the conflict;
- how the conflict was handled;

and because these amendments are not substantial there is no need to give public notice;

(b) Councillors being able to use fax machines for private purposes provided the use is infrequent and minimal, subject to public notice to this change to the policy for Payment of Expenses and Provision of Facilities for Councillors being advertised as per Section 253 of the Local Government Act;

(c) informing the community in the Inner City News that it has adopted a Conflicts of Interest Policy as part of its Code of Conduct.

(DCS Report 1.3.99)

At the request of Councillor Bush, 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 condition, namely:-

That the matter be deferred to enable Councillor Bush to receive legal advice in his capacity as a consultant with respect to the Code of Conduct.

Motion, as amended by consent, carried.

2.

PUBLIC RELATIONS - VICTORIA PARK SWIMMING POOL, CAFÉ AND FOYER- PROPOSED INSTALLATION OF ABORIGINAL ART (2020381)

That arising from the Question without Notice asked by Councillor Harcourt at the Council meeting on 9 December 1998, and the ensuing report by the Director of Health and Community Services, dated 5 March 1999, approval be given to:-

- (a) the expenditure of \$1,300 funds for which are available in the 1998/99 budget (KHL);
- (b) contract a consultant to undertake the Aboriginal Art installation project at Victoria Park Swimming Pool, Café and Foyer;
- (c) the inclusion of Victoria Park Swimming Pool Complex on the list of possible sites for the year 2000 *Art In Sight* Program.

Carried.

3.

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

That arising from a report by the Director of Health and Community Services dated 5 February 1999, approval be given for the surplus of \$13,100 from the purchase of (3) Regenerating ovens and (1) double door freezer to be re-allocated to purchase (1) one cook-chill refrigerator and (1) one four burner electric stove top, as part of the refurbishment of the kitchen at Kings Cross Activity Club.

Carried.

4.

**STREETS - ELIZABETH STREET, NO.729, ZETLAND PART PROPERTY
ADJOINING - PROPOSED CLOSURE AND SALE (2015843)**

That approval be given for the advertising and action to be taken for the proposed closure and sale of part of Elizabeth Street, Zetland, as shown stippled on Plan No S6-280/240 in accordance with the policy for the proposed closure and sale or lease of laneways and sale of vacant Council owned land as adopted by Council on 27 August 1997.

(DPWS Report 8.3.99)

At the request of Councillor Bush, 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 Finance Committee for a report in respect of the site evaluation and approval.

Amendment carried.

It was further moved by Councillor Fenton, and by consent, that a further report be prepared on other land which had been previously acquired for road widening of Elizabeth Street.

Motion, as amended by Councillors Bush and Fenton, carried.

5.

**CONFERENCES - AUSTRALIAN HUMAN RESOURCES INSTITUTE,
ANNUAL CONVENTION, ADELAIDE, SOUTH AUSTRALIA, 23-26 MAY 1999
- ATTENDANCE OF COUNCIL REPRESENTATIVE (5263043)**

That approval be given to the EEO Manager to:-

- (1) attend the Australian Human Resource Institute Annual Convention at Adelaide from 23rd - 26th May 1999, inclusive
- (2) monies for the conference airfare and accommodation being utilised out of existing funds in the 1998/99 estimates (HAA.77RO);
- (3) any reasonable expenses incurred, including out of pocket expenses, be paid on the production of receipts.

(DOD Report 11.3.99)

Carried.

GENERAL MANAGER

6.

DONATIONS - PLUNKETT STREET SCHOOL - COMPUTER CENTRE - ESTABLISHMENT (D53-00118)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Fowler:-

That this matter be deferred back to Council's Community Grants Committee.

Amendment negatived.

At the request of Councillor Macken, and by consent, the motion was amended by the insertion of the new resolution, namely:-

That the matter be deferred to the next Finance Committee and that the Mayor write to the Minister for Education to seek clarification of the intentions of the Department regarding funding at the earliest convenience.

Motion, as amended by consent, carried.

7.

DONATIONS - CENTRAL SYDNEY AREA HEALTH SERVICE - ERSKINEVILLE TOWN HALL - REQUEST FOR FREE USE TO CONDUCT NUTRITION WORKSHOPS, 17 AUGUST AND 19 OCTOBER 1999 (2020370)

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

That arising from consideration of a report by the Director of Health and Community Services dated 5 March 1999, approval be given to the use of Erskineville Town Hall free of charge by the CSAHS on 17 August 1999 and 19 October 1999 for the conduct of Nutrition Workshops for child care centre staff in South Sydney.

Carried.

8.

GOODS AND EQUIPMENT - GENERAL FUND STORES - STATIONERY STOCKTAKING FOR SIX MONTH PERIOD 1 JULY 1998 TO 31 DECEMBER 1998 (2002950)

Council grants confirmatory approval to the amount of \$205.02 being debited to the stock adjustment account (\$18.94 to AAN.55A0 and \$186.08 to AAN0001.55A0) covering the six month stocktake period, ending 31 December 1998.

GENERAL MANAGER

(DCS & CAM/PO Joint Report 10.3.99)

Carried.

9.

**FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - FEBRUARY 1999
(2020377)**

That arising from consideration of a report by the Director of Finance dated 4 March 1999, approval be given to the confirmation of the payment of the accounts totalling \$13,322,655.43 as detailed in the Summary of Warrants for the Month of February, accompanying the report.

Carried.

10.

**DONATIONS - KINGS CROSS TOURISM - "FEAST OF SYDNEY"
PROMOTION - 2 JULY 1999 - APPLICATION FOR SEEDING GRANT
(2020501)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That the matter be deferred for a further report to include which premises are involved and the hours of operation and further details of organisations applying for Development Consent to participate in the promotion.

Carried.

11.

**COMMERCIAL AND RESIDENTIAL PROPERTIES - QUARTERLY
SUMMARY REPORT, OCTOBER TO DECEMBER 1998 - INCOME AND
EXPENDITURE AND PROFITABILITY (P56-00385)**

That the Quarterly Report on Income, Expenditure and Profitability for the period 1 October, 1998 to 31 December, 1998, on Council's Commercial and Residential Properties, be received and noted.

(DCS Report 11.3.99)

Carried.

GENERAL MANAGER

12.

PUBLIC RELATIONS - REOPEN WATERLOO POST OFFICE CAMPAIGN - REQUEST FOR ASSISTANCE (2020508)

That confirmatory approval be given for Council to provide further assistance to the "Save our Post Offices - Re-open Waterloo Now" Campaign's public demonstration scheduled for Tuesday, 23 March 1999, in supplying; one large portable paper banner, 50 hand held signs, use of in-house sound equipment and light refreshments, at an estimated cost of \$500, for which funds are available in the 1998/99 Public Meeting Budget (EBN 44HO) account.

Carried.

13.

PROPERTIES - PADDINGTON TOWN HALL - REQUEST FOR FREE USE, 17 MAY 1999 - AUSTRALIAN REPUBLICAN MOVEMENT (2020184)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Waters:-

That arising from a joint report by the General Manager and the Director of Corporate Services dated 23 March 1999, it be resolved that:-

- (a) approval be given to a request by the Eastern Suburbs Forum of the Australian Republican Movement for the free use of Paddington Town Hall on 17 May 1999, for a Council sponsored debate on the issue of the Republican Referendum;
- (b) approval be given on the condition that the event will be non party political and will provide information on both sides of the issue;
- (c) Council forego \$5,100 in income from the hiring of the hall and that Council meet the cost of staging and promoting the event at a maximum cost of \$4,000 for which funds are available in 1998/99 estimates (EBN 77FO).

(DCS Report 16.3.99)

Carried.

14.

CONFERENCES - SYDNEY 2000 OLYMPIC AND PARALYMPIC GAMES - URBAN DOMAIN PLANNING - "LOOK OF THE GAMES" BANNER OPPORTUNITIES (2019159)

That Council gives confirmatory approval to participation of the City of South Sydney in the "Look of the Games" banner display program, as generally

GENERAL MANAGER

outlined in the letter dated 11 March 1999 from the Chief Executive, SOCOG, subject to the addition of the following conditions namely:-

- (a) That further consultation with Council about the list of sponsors and proposed sites involved;
- (b) That there being no conflict with Council's advertising guidelines (re alcohol, tobacco, etc);
- (c) That the display period being extended to include the full period of the Sydney 2000 Paralympic Games;
- (d) That SOCOG arrange acceptable public risk insurance coverage and an indemnity for Council in respect of any claims for damages arising from implementations of the banner program.

(DPWS Report 16.3.99)

Carried.

15.

PLANNING - GREEN SQUARE - ESTABLISHMENT OF A PROJECT TEAM (2019521)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That arising from consideration of a joint report by the Directors of Planning and Building, Public Works and Services, and Health and Community Services dated 11 March 1999, that:-

- (1) Council endorse the establishment of the Green Square Project Team, for an initial period of 2 years, as detailed in the beforementioned report, to carry out the work associated with the planning for and redevelopment of the Green Square area.
- (2) Council approve the establishment of the following positions for that period of time, in order to ensure existing staff resources within the Public Works and Services, Health and Community Services and Planning and Building Departments are not depleted:
 - two (2) town planner positions at Grade 10 within the Statutory Planning Section of the Planning and Building Department and one (1) cadet planner position at Grade 2;
 - two (2) design engineer positions at Grade 13 within the Public Works and Services Department; and
 - one (1) social planner position at Grade 14 within the Health and Community Services Department.

GENERAL MANAGER

- (3) Council provide \$20,000 additional funds in the 1999/2000 estimates to employ consultants to assess any development applications for the Australian Technology Park;
- (4) The Green Square Project Team be directly accountable to the Directors of Planning and Building, Public Works and Services and Health and Community Services Department, and report on the progress of the Green Square Project to the Strategic Planning Principal Activity Team;
- (5) provision being made in the 1999/2000 Budget Estimates for the cost of establishing the Green Square Project Team as outlined in the beforementioned report at an estimated cost of \$451,000.

Carried.

16.

PLANNING - LAWSON SQUARE REDFERN STREETSCAPE IMPROVEMENTS - ACCEPTANCE OF TENDER (2012926)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Waters:-

That approval be given to:-

- (1) proceeding with works to Lawson Square Redfern with a reduced scope of works that include the removal of the northern footway area of Lawson Square and the removal of all fixtures and landscaping from the scope of the tender works (Option 2 in body of report);
- (2) accepting the tender from North Shore paving in the amount of \$966,085 to carry out works to Lawson Square;
- (3) providing a contingency sum of \$96,700 for any unforeseen problems which may occur on site;

-funds for this work can be provided on the following basis:

- (a) 1998/99 Works program -\$250,000 Budget (this expenditure will occur in 1998/1999);

GENERAL MANAGER

- (b) 1999/2000 Draft Works Program - \$821,800 budget which includes \$34,500 paid by TNT Pty Ltd which was set aside in a trust account (2CQ.BGO).

(DPWS Report 17.3.99)

Carried.

17.

STIRLING STREET, NOS. 2 - 4, REDFERN - PROPOSED PROPERTY ACQUISITION FOR ROAD WIDENING - CLASSIFICATION OF LAND AS OPERATIONAL (2020397)

That Council, by resolution, classifies the part of Nos. 2-4 Stirling Street, Redfern, not required for the road realignment, to operational land, to permit disposal.

(DCS Report 17.3.99)

Carried.

The Finance Committee Meeting terminated at 7.22 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

17 March 1999

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Margaret Deftereos, Sean Macken.

At the commencement of business at 7.23 pm those present were -

Councillors:-Deftereos, Fenton and Macken.

Apology:

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

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

That the Report of the Community Services Committee of its meeting of 17 March 1999, be received and the recommendations set out below for Items 1 and 2, be adopted.

Carried.

The Committee **recommended** the following:-

1.

COMMITTEES - ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES - MINUTES OF MEETING HELD 9 FEBRUARY 1999 (2017377)

That the report by the Director of Health and Community Services dated 4 March 1999, and the accompanying minutes of the Access Committee for People with Disabilities held on 9 February 1999, be received and that the undermentioned recommendations of the Committee be adopted namely:-

- (1) That Council supports in principle the hosting of a sporting event for those with disabilities to celebrate the 1999 Paralympic Week to be held during 17 - 24 July 1999, at which a Paralympian may be invited to attend as a guest;
- (2) That Council ratifies SSROC's nomination of Mr Mark Spruhan, Council's Disability Development Officer, to represent SSROC at Sydney-wide combined ROC Access Forums. Attending with two SSROC nominated Councillors, Mr Spruhan will attend these meetings as the SSROC nominated Officer.

Carried.

2.

COMMITTEE - CULTURAL COMMITTEE MEETING, 16 FEBRUARY 1999 - REPORT (C57-00028)

That the report by the Director of Health and Community Services dated 4 March 1999, regarding the minutes of Council's Cultural Committee meeting held on 16 February 1999, accompanying the Director's report, be received and noted.

Carried.

The Community Services Committee Meeting terminated at 7.24 p.m.

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REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

17 March 1999

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

At the commencement of business at 6.40 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.

Moved by the Chairperson (the Deputy Mayor, Councillor Lay), seconded by Councillor Waters.

That the Report of the Planning and Development Committee of its meeting of 17 March 1999, be received and the recommendations set out below for Items 2,3,5 to 7 inclusive, 9, 11,12,16 to 17 inclusive, 19 to 24 inclusive and 26, be adopted. The recommendations for Items 1,4,8,10,13 to 15, 18 and 25 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

CLEVELAND STREET, NOS. 310 - 312, SURRY HILLS -BROTHEL - DEVELOPMENT APPLICATION (U98-01208)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

(A) That the Council as the responsible authority grants its consent to the development application submitted by Kenpro Pty Ltd, with the authority of Mrs K McGuire, for permission to use the premises at 310-312 Cleveland Street as a Brothel (with Bondage and Discipline), subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered 1 dated 31 October, 1998;

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- (2) That the hours of operation shall be restricted to between 10.30 a.m. and 12 midnight Sundays to Thursdays; 10.30 a.m. and 2.00 a.m. Fridays and Saturdays;
- (3) That at no time shall retail sale of sex paraphernalia be made from the premises;
- (4) That no advertising including red lights shall be displayed on the premises without the prior consent of Council;
- (5) 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. Details to be included with the Construction Certificate;
- (6) That a separate Development Application shall be submitted at the appropriate time for any proposed signs;
- (7) That a Plan of Management shall be prepared and submitted to Council within 2 months of this consent to include the following:
 - (i) Measures to ensure the safety of both staff and clients both within the premises and external of the premises;
 - (ii) Measures to deal with inappropriate behaviour by the establishment;
 - (iii) Measures for dealing with conflict and complaint from neighbours;
 - (iv) Design measures to maximise security within and beyond the premises;
 - (v) Staffing details including relevant qualification of staff such as security staff;
 - (vi) That all activities performed on the premises including all high risk activities such as body piercing, suturing, administration of enemas, sexual acts involving urination and defecation, etc. shall be listed with full detailed particulars provided outlining infection control procedures for each such activity;
 - (vii) That separate details for each activity shall outline specific cleaning methods, types of cleaning agents, disinfection methods and agents, and sterilisation procedures. Staff training methods shall also be addressed. It should be noted that the particulars submitted to Council shall be referred to the South Eastern Sydney Area Health Service for approval;

This shall be prepared in conjunction with the Surry Hills Police, the NSW Health Department and relevant organisations including SWOP and the Kirketon Road Centre;

Guidelines are available from Council.;

- (8) That the premises shall comply with requirements of Council's Sex Industry Policy and the NSW Health Department's Health and Safety Guidelines for Brothels in NSW;
- (9) That all skin penetration procedures including cleaning, disinfection and sterilisation shall be in accordance with the Public Health Act, 1991, and the NSW Health Department's Skin Penetration Guidelines;
- (10) That all steam sterilisation equipment shall meet the requirements of Australian Standards AS 2192-1991 and AS 2182-1998 and be operated according to AS 4187-1998;
- (11) That all contaminated waste including syringes and other single-use items associated with skin penetration procedures shall be stored in an approved container and be disposed of by Environment Protection Authority licensed waste collectors;
- (12) That an application shall be submitted to Council to register the premises on the Skin Penetration register within one month of approval being granted;
- (13) That each workroom shall be provided with a hand basin supplied with an adequate supply of potable water, at a temperature of 40°C delivered through an approved mixing device which can be adjusted to enable hands to be washed under hot running water. Details to be included with the Construction Certificate;
- (14) That a wash room containing a double bowl tub with hot and cold water shall be provided for the purpose of sterilisation, disinfection and cleaning of equipment. Details to be included with the Construction Certificate;
- (15) That a Construction Certificate shall be submitted within two months of this consent to include plans and specifications showing details of the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to comply with conditions (5), (13), (14), (25), (26), (27), (31), (32), (34), (35) & (38) and approval obtained before installation is commenced. The works shall be completed to Council's satisfaction within 3 months of the date of the Construction Certificate being granted;

- (16) That a roster shall be maintained on the premises which indicates designated workers responsible for reprocessing multiple use equipment;
- (17) That the premises shall be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times;
- (18) That clean linen and towels shall be provided for the use of each client;
- (19) That adequate receptacles with close fitting lids shall be provided for the separate storage of used and clean linen;
- (20) That the proprietor shall ensure that all linen, toweling and other bed/treatment table coverings which comes into contact with clients shall be changed immediately after each use;
- (21) That the proprietor shall enter into a commercial contract to launder linen or install and use a commercial washing machine capable of washing at a temperature of not less than 70⁰ Celsius;
- (22) That the proprietor shall provide an adequate supply of condoms, dental dams and water based lubricant free of charge for sex workers and their clients;
- (23) That the proprietor shall provide written information, i.e. pamphlets and brochures, for sex workers and their clients on sexually transmitted infectious diseases in a variety of languages including those of any sex worker who has difficulty communicating or reading the English language;
- (24) That the proprietor shall ensure that sex workers are adequately trained to examine clients for any visible evidence of sexually transmitted disease and that examinations are conducted before any sexual contact;
- (25) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (26) 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";
- (27) That a garbage room or garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;

- (28) That no trade waste from the premises shall be stored on the public way (footpaths, roadways, reserves, et al) at any time;
- (29) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (30) 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;
- (31) That a suitable smoke/fire alarm system shall be installed throughout the premises;
- (32) That doorways to all bedrooms/workrooms, loungeroom and office areas shall be protected by self closing solid core doors not less than 35 mm thick;

and the following adopted standard conditions:

- (33) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (34) Emergency lighting⁹⁵¹⁸
- (35) Exit signs⁹⁵¹⁹
- (36) Egress Paths to be Kept Clear⁹⁸⁵²
- (37) Certification of Electrical Installation⁹⁸⁵³
- (38) Single Hand Action on Exit Doors⁹⁸⁰⁵

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.

**MEAGHER STREET, NO.11, CHIPPENDALE - SECTION 96, MODIFICATION
- RESIDENTIAL CONVERSION - DEVELOPMENT APPLICATION -
CONTRIBUTION INCLUDED IN CONSENT (U97-00490)**

- (A) That the Council as the responsible authority refuses its consent to the Section 96 application submitted by Caldis Cook Group Pty Ltd, to modify Consent No. 490/97 by deleting condition No. (4), for the following reasons, namely:-
- (1) That the proposal does not comply with Clause 3.3.2 of Development Control Plan No. 11- Transport Guidelines for Development, with respect to Resident Parking Schemes;
 - (2) That the proposal would result in an unreasonable overflow of parking onto surrounding streets, contrary to the objectives of the Transport Guidelines in DCP No. 11 – Transport Guidelines for Development;
 - (3) That having regard to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979, the proposal would create an undesirable precedent in the area;
 - (4) That having regard to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979, the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

3.

**PARRAMATTA ROAD, NOS. 88-90, CAMPERDOWN - PROPOSED TO
REFURBISH THE EXISTING BUILDING INTO 22 APARTMENT UNITS WITH
SHOP AND CAR PARKING - DEVELOPMENT APPLICATION -
CONTRIBUTION INCLUDED IN CONSENT (U98-00912)**

- (A) That the Council as the responsible authority grants its consent to the development application submitted by CHL Construction Pty Ltd, with the authority of Golden Silver Trading Pty Ltd, for permission to refurbish the existing building into 22 residential units, shop and 17 car parking spaces, 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 \$8,100 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

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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 \$1,400, 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) That 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:

Open Space Land Acquisition	\$49,632
Open Space/Townscape/ and Public Domain	\$15,119
Accessibility and Transport	\$ 179
Management	\$ 748
Total	\$65,678

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

Details about the contribution, including how it is determined, adjustments for CPI and works in kind can be found in the Contributions Plan (available at the Council, 140 Joynton Avenue, Zetland). No works will be offset against the required

monetary contribution without the prior written consent of the Director of Planning and Building or the Director of Public Works and Services;

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	\$13,531

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

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

- (5) That the development shall be generally in accordance with plans numbered 3B, dated 18 January 1999;
- (6) That the roof sign and structure shall be permanently removed;
- (7) That 9 bicycle parking spaces shall be provided (appropriately marked and labeled prior to issuing an Occupation Certificate);
- (8) That a maximum of 17 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space

shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;

- (9) That the parking spaces shall be allocated on the basis of 12 for residents, 3 for visitors and 2 retail (appropriately line-marked and labelled prior to issuing an Occupation Certificate);
- (10) That ceiling heights shall comply with the requirements of Part F.3 of the BCA with specific attention directed to loft areas;
- (11) That an additional exit shall be provided to serve sole occupancy units on levels one and two which shall comply fully with the requirements of Parts C & D of the BCA with specific attention directed to Clause D.1.4 of the BCA;
- (12) That an easement shall be created adjacent to the northern boundary at least 6.0 metres in width and unlimited in height as this proposal does not comply with the requirements of Part C.3 and Part F.4 of the BCA;
- (13) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the Environment 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) Regulation, 1998;
- (14) That the car park shall be ventilated in accordance with Australian Standard 1668.2-1991 Section 4 and Australian Standard 1668.1-1991 Section 7;
- (15) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) car park ventilation systems;
 - (c) the garbage room;
 - (d) the recycling storage area;

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

- (16) That the development shall, wherever practicable, include solar water heating or heat pumps throughout, in accordance with the Solar Water Heater Policy contained within DCP 1997 - Urban Design;

and the following adopted standard conditions:

- (17) One Television Aerial¹¹⁴
- (18) Details of Materials – Deferred Consent¹¹⁶
- (19) Glazing Reflectivity less than 20%¹¹⁸
- (20) Display Street Number¹²⁴
- (21) Works on Public Way Cost¹⁰⁰²
- (22) Alteration of Public Services¹⁰⁰⁶
- (23) Builders Hoarding Permit¹⁰⁰⁸
- (24) Alignment Levels¹⁰¹⁶
- (25) Resident Parking Access³⁰⁰¹
- (26) Disabled Entry³⁰²⁴
- (27) Cost of Signposting³⁰²⁶
- (28) Consequential Roadworks³⁰²⁷
- (29) Footway Crossing³⁰²⁸
- (30) Obstruction of Public Way³⁰²⁹
- (31) Delivery of Construction Materials³⁰³²
- (32) Stormwater Standard⁴⁰⁰¹
- (33) Clean Water Discharge⁴⁰⁰²
- (34) On Site Detention –Stormwater⁴⁰⁰³
- (35) Refuse Skips⁶⁰⁰²
- (36) Garbage Room⁶⁰¹⁰
- (37) Garbage Room/Receptacle⁶⁰¹¹
- (38) Hours of Work and Use of Cranes⁹¹⁵³
- (39) Works Within Boundary⁹¹⁵²
- (40) Building/Demolition Noise Control⁹¹⁵⁶
- (41) Landscape Plan⁵⁰⁰¹

- (42) Moving Trees⁵⁰⁰⁷
- (43) Maintenance of Landscaping⁵⁰¹⁴
- (44) Final Inspection⁵⁰¹⁵
- (45) Street Trees⁵⁰⁰⁸
- (46) On Slab Planting⁵⁰¹³
- (47) hsc500 - Premises to be ventilated;
- (48) hsc555 - Bathroom ventilation;
- (49) hsc700 - Compliance with code for Garbage Handling System;
- (50) hsc709 - Garbage room;
- (51) 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, 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.

4.

BOURKE STREET, NOS. 782-822, WATERLOO (ACI SITE) - DEMOLITION OF BUILDING FAÇADE - DEVELOPMENT APPLICATION (U98-01111)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Meriton Apartments Pty Ltd (owner), for permission to demolish the remaining facade of Building 34A, at the abovementioned premises, subject to the following conditions, namely:-
 - (1) That prior to any work being commenced, 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

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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 submitted with the application;
- (3) That prior to any demolition occurring on-site the applicant shall provide details of any contamination in the buildings or structures to be demolished together with the means for dealing with those contaminants, endorsed by the Environmental Protection Authority;
- (4) That hazardous wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities, together with the relevant regulations, namely:
 - (a) The NSW Occupational Health and Safety Act, 1983;
 - (b) Regulation 84A-J of the "Construction Work Involving Asbestos or Asbestos Cement" 1983, as amended 1984, 1986, 1990 and 1996 of the NSW Construction Safety Act, 1912;
 - (c) The Occupational Health and Safety (Hazardous Substances) Regulation 1996; and
 - (d) The Occupational Health and Safety (Asbestos Removal Work) Regulation 1996;
- (5) That the demolition work and subsequent vacant site shall not give rise to dust that could be injurious to the health of members of the public. To this end, the applicant shall provide suitable sprinklers or water trucks to keep potential sources of dust moist. The method shall be submitted to Council for approval prior to commencement of work;
- (6) That the trucks carrying demolition material shall follow the following routes:
 - Route for trucks heading west:
Right into Bourke Street - Right into Crescent Street - Left into South Dowling Street - Left into Cleveland Street;
 - Route for trucks heading south:
Right into Bourke Street - Right into Crescent Street - Left on to South Dowling Street - Left into Cleveland Street - Left into Botany Road;

-or such other routes as may be approved in writing by the Council;

-and the following adopted standard conditions:

- (7) Builders Hoarding Permit¹⁰⁰⁸
- (8) Obstruction of Public Way³⁰²⁹
- (9) Clean Water Discharge⁴⁰⁰²
- (10) Emissions⁷⁰⁰⁴
- (11) Construction Noise⁷⁰⁰⁸
- (12) Vehicle Cleansing⁷⁰⁰⁹
- (13) Noise and Vibration⁷⁰²⁶
- (14) Hours of Work and Use of Cranes⁹¹⁵³
- (15) Demolition to Comply With Aust Standard⁹¹⁶³

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 traffic and parking congestion, and would not be in the public interest.

- (B) That Meriton Apartments be required to show evidence of compliance with Condition (13) of the consent Q97-00906 granted by Resolution of Council of 10 December, 1997, namely:-

That prior to any demolition occurring on site, the applicant shall provide details of any contamination in the buildings or structures to be demolished together with the means of dealing with those contaminants, endorsed by the Environmental Protection Authority.

It was moved by Councillor Fowler, seconded by Councillor Bush, that the motion be amended by the deletion of the whole of the resolution and insertion in lieu thereof, of the following new resolution, namely:-

That the application be refused as it does not agree with the Green Square Master Plan.

Amendment negatived.

Motion carried.

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

5.

RESERVOIR STREET, NOS. 74-88, SURRY HILLS - CHANGE OF USE TO CONVENIENCE STORE - DEVELOPMENT APPLICATION (U99-00056)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mr Lu Xia Yu for the change of use to a convenience store and erect a sign, at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with Council endorsed plans window;
 - (2) That the hours of operation shall be restricted to between 7.00 a.m. to 10.00 p.m. Sundays to Wednesdays, 7.00 a.m. to 12.00 midnight Thursdays to Saturdays;
 - (3) That the proposed signage shall;
 - (a) not flash, move, be animated, scintillate or be decorated with rotating flashing lights at any time without the consent of the Council;
 - (b) not have attached apparatus to provide any sound;
 - (c) be neatly affixed to the building (any damage caused shall be promptly repaired with matching materials);
 - (d) not cover any architectural features or windows;
 - (4) 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;
 - (5) That the walls of the supermarket where not tiled, shall be painted with a washable gloss paint of a light colour;
 - (6) That the floor finish of the supermarket be smooth and even, free of cracks, crevices or surface protrusions;

- (7) That any signage or lighting other than the approved under awning sign, shall require separate Council approval;
- (8) That all deliveries shall occur only between 7.00 am and 7.00 pm;
- (9) That the ceiling light fittings be installed flush with the ceiling surface or provided with an approved diffuser cover to prevent the accumulation of dust or harbourage of vermin;
- (10) That all cavities, false bottoms and similar open spaces capable of providing access and harbourage for vermin be removed unless an approved means of access is provided to such spaces or alternatively the fittings or equipment be supported on legs of at least 150mm;
- (11) That all shelving be finished with approved impervious material on all surfaces and being fixed 25mm clear of the wall;

Note: timber framed shelving is not permitted.

- (12) That the "existing water basin" not being removed from the premises as proposed but being relocated to a position convenient to food handling staff at the sales counter for use as a wash hand basin;
- (13) That the wash hand basin, conveniently located in the sales counter area of the supermarket be provided with an adequate supply of potable water at a temperature of at least 40°C delivered through an approved mixing device which can be adjusted to enable hands to be washed under hot running water in accordance with the Food (General) Regulations, 1997, Clause 14;
- (14) That adequate facilities be made available for the storage of cleaning equipment and material;
- (15) That staff be provided with adequate toilet accommodation and hand washing facilities with hot and cold water, together with an adequate supply of soap and hand drying facilities during hours of operation;
- (16) That adequate provision be made for the protection of all food displayed on counters and shelves from contamination from customers' breath, handling, smoking, insects, dust and other means of likely contamination;
- (17) That approved appliances be provided to ensure that all prepared food, capable of supporting rapid bacterial growth, is kept hot at a temperature of not less than 60°C, or is kept cold at

a temperature of not more than 5°C, such appliances being provided with a numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius and able to be easily read from outside the appliance;

- (18) 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";
- (19) That a garbage receptacle storage area shall be provided within the site an approved position constructed in accordance with the requirements of Council's "Waste Management/Minimisation Fact Sheets";
- (20) That adequate facilities shall be provided for the storage of excess packaging;
- (21) That separate facilities be provided for trade wastes and excess packaging materials from the supermarket separate from residential refuse and recyclable materials from the apartments;
- (22) That no trade waste is to be stored in the public way at any time;
- (23) That Certificate of Performance in accordance with Section 5 of Council's Ventilation Code, accompanied by details of the test carried out in respect of ventilation shall be forwarded to the Director of Health and Community Services upon satisfactory completion and commissioning of mechanical ventilation systems;

and the following adopted standard conditions:

- (24) Comply With BCA⁹¹⁰⁴
- (25) Hours of Work and Use of Cranes⁹¹⁵³
- (26) Commencement of Structural Works⁹²⁰²
- (27) Obstruction of Public Way³⁰²⁹
- (28) Delivery of Construction Materials³⁰³²
- (29) Works Within Boundary⁹¹⁵²
- (30) Lighting on Signs²⁰⁰²
- (31) Signs/Goods on Footpath²⁰⁰³
- (32) Intensity of Sign Lighting²⁰⁰⁴

- (33) Existing Loading Dock³⁰¹³
- (34) Loading Within Site³⁰¹⁴
- (35) hsc500 - Premises to be ventilated;
- (36) hsc301 - Cooking of food only if air handling system is provided;
- (37) hsc509 - Plans proposed changes to ventilation system;
- (38) hsc002 - Adequate sanitary and changing facilities;
- (39) hsc101 - Not give rise to emissions into the environment;
- (40) hsc111 - Liquid wastes to sewer;
- (41) hsc711 - Commercial contract (trade waste);
- (42) hsc715 - Trade waste;
- (43) hsc800 - Use of appliances emitting intrusive noise.

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.

DUNNING AVENUE, NOS. 85-113, ROSEBERY - TO EXTEND HOURS OF OPERATION OF FACTORY TO 24 HOURS, 7 DAYS PER WEEK - DEVELOPMENT APPLICATION (U98-01225)

- (A) That the Council as the responsible authority grants its consent to that part of the application submitted by Aristocrat Leisure Industries Pty Ltd, for permission to extend the hours of operation of the subject premises to 24 hours per day, 7 days a week, subject to the following conditions, namely:-
 - (2) That the extension of hours of operation shall cease after a period of one year from the date of commencement. A further development application for the continuation of the extended

hours may be lodged for Council's consideration prior to the expiration of this consent;

That upon expire of the trial period, the hours of operation of the premises shall revert to between 6.00 a.m. and 11.30 p.m.

Mondays to Fridays, 6.00 a.m. and 6.00 p.m. Saturdays and 9.00 a.m. and 5.00 p.m. Sundays unless a further consent is granted for continuation of the 24 hour per day, 7 days per week operation;

- (3) That the extension of hours of operation shall not apply to the wood working section of the plant nor to the associated dust extraction unit;
- (4) That arrangements shall be made such that all staff working between 11.30 am and 6.00 am park within the site or on dunning Avenue and arrive and depart from the site without driving through the Rosebery residential area;
- (5) That no trucks shall arrive or depart the site except between 6.00 am and 9.00 pm Mondays to Fridays, 8.00 am to 5.00 pm Saturdays and 9.00 am to 5.00 pm Sundays;
- (6) That full compliance shall be given to the conditions of the development consent (U98-00798) granted on 23 October, 1998 as amended by the above conditions.

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 traffic and parking congestion, and would not be in the public interest.

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

Carried.

7.

O'CONNELL STREET, NOS. 12-18, NEWTOWN - ERECT BRICK FENCE - DEVELOPMENT APPLICATION (U99-00078)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mr A B Jones (owner), for permission to erect a 2.2m high brick fence with sliding gate along the Victoria Street frontage of the car park and between the car park and

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adjacent Energy Australia substation, subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of **\$300** in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this 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 drawings numbered 9835/1, sheets 1 and 2;
- (3) That not more than one of the main trunks of each of the bottlebrush trees on the site shall be lopped and the fence shall be stepped down where necessary to accommodate the remaining branches;
- (4) That the brickwork of the proposed fence shall be selected to match the two storey section of the building on the site;
- (5) That either the gate shall be left open during business hours or be fitted with an electronic opening device that enables the gate to be opened and closed without the necessity for vehicles to obstruct the roadway or footway;

and the following adopted standard conditions:

- (6) Clean Water Discharge⁴⁰⁰²
- (7) Obstruction of Public Way³⁰²⁹
- (8) Delivery of Construction Materials³⁰³²
- (9) Construction Hours⁹¹⁵¹
- (10) Works Within Boundary⁹¹⁵²

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

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

Carried.

8.

BILLYARD AVENUE, NO. 27, ELIZABETH BAY - ALTERATIONS AND ADDITIONS TO RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION (U99-00004)

- (A) That Council refuses to grant its consent under the Environmental Planning and Assessment (Amendment) Act, 1997 to the Development Application submitted by Gary Baker with the authority of the Proprietors, Reg Prop S/P 15566 and 37518 to alter and add to the existing residential flat building, for the following reasons:-
- (1) The proposal exceeds the maximum height limit under Development Control Plan 1997 and is considered an overdevelopment of the site, by virtue of its bulk, scale and form;
 - (2) The proposal will have adverse impacts on the amenity of adjoining properties in terms of loss of solar access, outlook and visual and acoustic privacy;
 - (3) The proposal will adversely impact on the existing landscape and scenic qualities of the area and will necessitate the loss of a number of significant trees on the site;
 - (4) That the location and siting of the proposed pool will have adverse impacts on the amenity of adjoining properties by virtue of its adverse acoustic and visual privacy impacts and its impact on the landscape and scenic qualities of the area;
 - (5) That the proposal has an excessive provision of parking and is contrary to Council's 1996 Transport Guidelines (DCP 11);
 - (6) That it is considered that the applicant has provided incorrect and insufficient information with regard to the estimated cost of work and Council is unable to establish the correct fees and charges for the Development Application, including the Building Damage Deposit and the Long Service Leave Levy;
 - (7) That the proposal will have an adverse impact on the heritage significance of the Billyard Avenue streetscape;
 - (8) That with regard to the circumstances of the case, approval of the application is not warranted and that the public interest would not be served if the application were approved.

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

Carried.

9.

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

That:-

- (1) the Works Programme be amended to reduce the road reservation for the East-West corridor to 36 metres from Bourke Street to Link Road/ South Dowling Street and the contribution rates be amended accordingly;
- (2) the works programme be amended to reduce the road reservation for the North-South Corridor to 20 metres and the contribution rates be amended accordingly;
- (3) following these amendments, the Section 94 Contributions Plan 1998 be adopted and its adoption be advertised in the Sydney Morning Herald and Daily Telegraph of the first Saturday following the Council meeting;
- (4) submissions be made to the Minister to attempt to secure support for the Section 94 Contributions Plan as it is proposed.

(DPB Report 11.3.99).

Carried.

10.

**PYRMONT BRIDGE ROAD, NOS. 2 - 50, CAMPERDOWN -
REDEVELOPMENT OF THE ROYAL ALEXANDRA CHILDRENS HOSPITAL
MASTERPLAN (U98-01025)**

- (A) That the Council resolve, with respect to the Masterplan that it is satisfied that the objection under State Environmental Planning Policy No 1 against the development standards relating to floor space and height in Clause 54 height and floor space ratio of Local Environmental Plan 1998 is well founded and compliance is therefore unreasonable and unnecessary for the following reasons, namely:-
- That the floor space and height above the limits of 1.5:1 and 15m is supported on the grounds that the applicant is to make a substantial open space dedication and the retention of several buildings on site.

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- That the scale and visual impact of those buildings over the height limit permissible is not detrimental to the character of the area.
- That the variation of the height is justified on urban design grounds to:
 - reinforce appropriate visual axis;
 - create visible landmark and gateway consistent with the Development Control Plan 1997.
- That the additional floor space and height is acceptable in terms of residential amenity impacts and the proposal will not detract from the character of the existing streetscape in terms of bulk and scale.

(B) That in respect of an application for staged development of the Masterplan prepared by Devine Erby Mazlin, dated 23 October 1998 for Nos. 2 - 50 Pymont Bridge Road, Camperdown, pursuant to Section 80(4) of the Environmental Planning and Assessment Act, the Council grants the consent subject to the following conditions and requirements, namely:-

General

- (1) That the development shall be generally in accordance with plans numbered DA/MP/L-01-DA/MP/L-03, DA/MP-07-DA/MP-17 provided that the floor space ratio for the site shall not exceed 1.56:1;
- (2) That the development of the site may be take place in stages, each stage requiring prior submissions and approval of a detailed development application;
- (3) That the applicant shall provide the NSW Police Service - Leichhardt Local Command Area the opportunity to carry out a safety audit on all the stages of the Masterplan.
- (4) That the applicant by way of public benefit shall dedicate the public open space as identified as Lot 1 on the Masterplan. The cost of which should be discounted against the required S.94 Contribution.
- (5) That linen plans for the proposed subdivision shall not be released until the applicant and council enter into an agreement at the applicants expense whereby Sterling Estates Pty Ltd undertakes to remediate the site in total and subsequently submit to Council a site audit statement from an EPA accredited site auditor demonstrating that the site is suitable for the proposed use. If the applicant is unwilling or unable to enter into this agreement to Councils satisfaction, then the linen plans of the

proposed subdivision or an individual lot in the proposed subdivision will not be released by Council until the site or that individual lot has been remediated and validated by an EPA accredited site auditor and a site audit statement provided to Council;

-in relation to the above condition, the Committee requested that the Director of Planning and Building contact Council's Solicitors seeking legal advice in relation to the validity of the condition.

- (6) That this consent does not extend to the remediation works outlined in the 'Remediation Action Plan and Work Specifications for the on-site Remediation of Volatile Organic Compound Contaminated Soil at the Royal Alexandra Hospital for Children, Pyrmont Bridge Road Camperdown, NSW 2050, Volumes I & II, dates August 1998'. The proponent is advised that a separate designated development application will be required.
- (7) That a Development Application shall be lodged for the proposed staging of the development prior to or with the detailed development application for the first stage. This application to include details of the timing of the construction of internal and external traffic measures, public open space and the safety audit.

Urban Design

- (8) That a more linear building form along Booth Street to reinforce the character of that street. This building should be stepped from 4 storeys at Johnson Creek and to a maximum of 13 storeys on the Corner of Booth Street and Pyrmont Bridge Road. This building shall be designed to avoid a wall affect.
- (9) That the roof line treatment is to be designed to ensure the skyline characteristics of the site are enhanced.
- (10) That the heights of the buildings along Booth Street and the corner of Pyrmont Bridge Road shall be restricted to the following RL levels:
 - Building A - 13 Floors - RL 61.50
 - Building B - 11 Floors - RL 54.50
 - Building C - 10 Floors - RL 51.50
 - Building N - 10 Floors - RL 45.50
 - 6 Floors - RL 30.50
 - 4 Floors - RL 24.50
- (11) That each lot as designated by plan DA/MP-17 shall not exceed the maximum gross floor area as out lined below and calculations demonstrating compliance with this condition shall be lodged with any development application, these floor areas

excluded the 130 car parking space provided above the Councils DCP requirements:

Lot 1:	0 (Orphan School Creek Gully/Open Space)
Lot 2:	7 430 m ²
Lot 3:	8 577 m ²
Lot 4:	14 985 m ²
Lot 5:	13 948 m ²
Lot 6:	6 963 m ²
Lot 7:	8 332 m ²
Lot 8:	6 572 m ²
Lot 9:	13 703 m ²
Lot 10:	3 400 m ²

Car Parking/Access

- (12) That the maximum rates of car parking for the site shall be:
- 0.5 spaces per bedsitter
 - 0.7 spaces per one bedroom unit
 - 1.0 space per two bedroom unit
 - 1.2 spaces per three bedroom unit
 - 1 space per 7 units for residential visitors
 - 1 space per 50 sq.m for retail uses
 - 1 space per 125 sq.m for commercial uses

Each two and three bedroom unit is to be allocated at least one parking space. Provision of car parking for residential and commercial visitors, and retail uses shall take into account complimentary usage patterns and spaces provided on-street. Calculations of such parking provision and details of its location and management shall be to the satisfaction of the Director of Planning and Building and submitted with the application for each detailed Development Application;

- (13) 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;
- (14) That individual car parking areas shall be designed in accordance with DCP 11:Transport Guidelines for Development and Australian Standards 2890.1 to the satisfaction of the Director of Planning and Building. Particular attention will need to be given to parking for people with disabilities and the provision of near level transitions of at least 6m inside the building line of developments, particularly in areas of potential conflict with pedestrians and passing vehicles.

- (15) That adequate provision shall be made for garbage collection, service vehicles and furniture trucks to service the needs of the development in a safe and efficient manner clear of public streets and spaces and to the satisfaction of the Director of Planning and Building.
- (16) That bicycle parking shall be provided and designed in accordance with DCP 11: Transport Guidelines for Development and Australian Standards 2890.3. Bicycle parking in the form of at least 12 inverted U-stands (Class 3 facilities of AS2890.3) is also to be provided at appropriate and intermittent locations along the bicycle track adjacent to Orphans Gully Creek and at other community focus areas within the site to the satisfaction of the Director of Planning and Building.
- (17) That the developer shall enter into an agreement with Sydney Buses to contribute to a subsidy of up to \$12,000 per annum for a period of up to 3 years to enable night-time services of the new Route 370 to operate or until the service is fully commercially viable whichever is the lesser. Note that the amount contributed each year shall be the difference as determined by Sydney Buses between revenue and operating costs to run the service for the preceding year up to the specified maximum. First payment shall be made prior to the occupation of stage 1;
- (18) That the system of new streets shall provide minimum standards for public access, width, traffic management, servicing and landscaping to the satisfaction of the Directors of Planning and Building and Public Works and Services. Design features of the street such as landscaping, corner radii, kerb extensions require further discussion with Council officers. Notwithstanding this, treatments such as intermittent street trees in the parking lane within localised kerb extensions subject to requirements of street cleaning and drainage; and those as detailed in the Ultimo/Pymont Public Domain Technical Manual (SCC) would be acceptable models on which to base further design.
- (a) primary local street (running through the middle of the site from existing traffic signals at the Pymont Bridge Road/ existing hospital entrance road/Lyons Road to a location mid-way down Booth Street.):
- it shall be a public road reservation dedicated to Council;
 - the reservation shall be 17.0m wide consisting of 3.2 m minimum footpaths, 2.3m parking lane, 3.0m travel lane. Corner splays on buildings of at least 1.5m and preferably 2.5m, especially on right angled bends;

- All services shall be underground and appropriate lighting provided;
- The design of the carriageway at right angle bends should allow for a Heavy Rigid Vehicle of AS2890.2 to turn the corner at low speed without encroachment onto the opposite side of the road.

Note: The location specific constrained 14m wide dimension of the street reservation between the two retained hospital buildings on the approach to the signalized junction on Pymont Bridge Road would be tolerable. However, it is required that the space available for pedestrians be increased, the traffic lanes and roundabout alignment optimised for pedestrian safety and amenity.

(b) Secondary access roads (running off the primary local road connecting to parking areas of individual development sites):

- shall allow public right of access at all times
- shall have reservation widths varying between 11.5m (no parking), 14.0m (parking one side only), or 17.0m (parking both sides). Note that reduction of the footpath width on one side of these streets may be tolerable if it can be demonstrated that pedestrian amenity and safety will not be compromised in the particular circumstances. Component details generally as per primary local street above.
- Corner splays on buildings of at least 1.5m and preferably 2.5m, especially on right angled bends;
- All services shall be underground and appropriate lighting provided;

(c) Bush road (for limited driveway access with adjacent shared bicycle track/pedestrian path running beside the creek alignment between Pymont Bridge Road and Booth Street):

- a 5.5m wide two-way "Bush Road" is acceptable subject to adequate controls and enforcement of car parking, and moderation of use by through traffic
- the shared bicycle footpath shall be 3.0m wide with minimum 0.5m clearances to obstructions either side, and otherwise be designed in accordance with Austroads Guide to Traffic Engineering Practice: Part 14 – Bicycles.

- (19) That the costs of all street works including provision of roads, foot-paths, services, traffic management, parking signage, general signage, landscaping, lighting, street furniture etc, associated with the development shall be borne by the developer;
- (20) That the external traffic management works for the development shall be:
- Modification of the existing traffic lights at Pymont Bridge Road and Lyons Road to allow provision of a right turn storage lane into the site. These modifications shall be in place first for use by demolition, earthworks and construction vehicles for Stages 2 to 4.
 - Repositioning of the existing mid-block signalised pedestrian crossing on Pymont Bridge Road between Layton Street and Lyons Road (at the main entrance of the former hospital building) to a location directly opposite Layton Street with associated footpath works and site access to be restricted to left-in/left-out. The configuration of this intersection requires further development with Council officers as it overlaps with potential public domain improvements associated with the former Grace Bros warehouse opposite.
 - A roundabout on Booth Street, desirably at Guighan Street, subject to Leichhardt Council's concurrence
 - Removing the left turn slip lane at the corner of Booth St/ Pymont Bridge Road.
- (21) That detailed traffic signal design plans for the above works will need to be forwarded to the RTA and Council for approval prior to the commencement of any roadworks. The developer is to note that a plan checking fee and lodgement of a performance bond will be required prior to the release of the approved signal plans by the RTA;
- (22) That detailed designs of streets, roundabouts and other roadworks are to be submitted to Council for approval prior to their commencement;
- (23) That all traffic signals and roadworks associated with the development will be at no cost to the RTA or Council, and shall be in place prior to occupation of Stage 2;
- (24) That the development, including individual premises, streets, open spaces etc shall be designed in accordance with access provisions of the latest version of the Building Code of Australia

and criteria set out in the *Advisory Notes On Access To Premises* by the Human Rights and Equal Opportunities Commission (HREOC). Details of compliance with these references are to be submitted with the subsequent Development Applications;

- (25) That the developer shall bear the cost of a pedestrian audit (access, amenity and personal safety) of the streets immediately surrounding the site between Parramatta Road and Taylor Street (such as Booth Street, Layton Street, Lyons Road and Guihen Road) and the development site itself, and any reasonable works arising as determined by the Directors of Planning and Building and Public Works and Services to bring conditions up to an acceptable standard. Particular attention should be placed on issues such as lighting, pedestrian crossings, location of bus stops and facilities such as telephones. On determination of the extent and costs of works, a bank guarantee covering these works (indexed to inflation in a similar manner to that detailed for Section 94 Contributions) shall be lodged as security to ensure the works are completed to Council's satisfaction this information shall be lodged with the staged Development Application outlined in condition (7).

Public Works and Services

- (26) That detailed design of the proposed open space system and proposed stormwater detention system shall be submitted for approval by the Director of Public Works and Services;
- (27) That the developer/owner shall accept responsibility for all costs associated with the design and construction of any works on the public way (including kerb, gutter, pavement, footpath paving, landscaping, drainage and alteration of public utility services), with such works to be carried out by Council's workforce (unless otherwise agreed in writing by the Director of Public Works and Services);
- (28) That all servicing (electricity, gas, coaxial cabling etc) shall be underground contact shall be made with Energy Australia, Telstra, AGL and Optus in this regard to the satisfaction of the Director of Public Works and Services. The cost of this work will not be offset against any Section 94 Contribution required for the site;
- (29) That the applicant/owner shall fully meet the cost of any alteration or adjustment to existing public services affected by the proposed work, including the relocation of electric light poles or other services and the cost of Council's subsequent restoration of the pavement (unless other arrangements are made with the Director of Public Works and Services);

- (30) That the applicant/owner shall fully meet the cost of any alteration or adjustment to existing public services affected by the proposed work, including the relocation of electric light poles or other services and the cost of Council's subsequent restoration of the pavement (unless other arrangements are made with the Director of Public Works and Services);
- (31) 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);
- (32) 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;
- (33) 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;
- (34) That the developer/owner shall supply a Traffic Control Plan, which shall be approved by the Director of Public Works and Services prior to the approval of the Construction Certificate;
- (35) 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;
- (36) 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;
- (37) 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;

- (38) 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;
- (39) 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;
- (40) That all proposed work shall be wholly within the boundaries of the site;
- (41) That prior to any occupation of units, the applicant shall at its cost provide traffic lights at the intersection of Booth Street and the Primary Access Road to conform to the requirements of the RTA and Council. The applicant is to incorporate pedestrian facilities with these traffic lights;
- (42)
 - (i) That the applicant shall lodge with Council a Bank Guarantee for the estimated construction cost of all works on the adjacent roads.
 - (ii) That the applicant at no cost to Council shall have a quantity surveyor prepare and estimate for these works. This estimate shall take into account the requirements of Council, the RTA, the State Transit Authority, Public Utility Services and Sydney Water.
 - (iii) The bank guarantee shall be calculated as a future value compounded at a rate of 7% for a period from the time of preparing the estimate to the agreed date to complete the project.
 - (iv) The applicant shall be able to request a decrease in the amount of the original bank guarantee as sections of the work are completed subject to the satisfaction of the Director of Public Works and Services.
- (43) That the developer shall provide off street parking for workers during construction;

- (44) That all corners on the roads proposed within the development shall provide 2.5m splays, this includes the roundabout at lot 2 and 3;
- (45) That a splay of 2m should be provided at Cross Street and Pyrmont Bridge Road and 1.5m at Foss Street and Cross Street.
- (46) That a consulting arborist report (including the supervision and protection of trees) shall be submitted of all trees to be retained or transplanted to the Director of Public Works and Services for approval;
- (47) That trees identified as Nos. 7, 16 and 27 shall be preserved;
- (48) That the trees that shall be retained and transplanted shall be numbered and monitored by an arborist to check the health of the trees during construction;

Health and Community Services

- (49) That the works associated with the excavation, sorting and storage of contaminated soil shall comply fully with the provisions of the 'Environmental Management Plan for Excavation Works, Sorting and Storage of Soil at the Former Royal Alexandra Hospital for Children, Pyrmont Bridge Road, Camperdown, NSW 2050' reference No. 50663-9.REP. Prior to the commencement of activities the EMP shall be independently reviewed and amended as required to the satisfaction of the Director of Health and Community Services.
- (50) That any material used to back fill excavations shall be validated in accordance with the requirements of the NSW EPA's Contaminated Sites Sampling Design Guidelines;
- (51) That no water or other matter shall be released to the stormwater system that exceeds the criteria of the ANZECC Australian Water Quality Guidelines for Fresh and Marine Waters;
- (52) That permission from the Sydney Water Corporation shall be obtained prior to the construction of the proposed culvert traversing Orphans School Creek;
- (53) That noise from activities associated with the development shall comply with the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:
 - (i) Construction periods of 4 weeks and under:
The L_{A10} level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (L_{A90}) noise level by more

than 20dB(A) when assessed to any sensitive noise receiver.

- (ii) Construction periods greater than 4 weeks and not exceeding 26 weeks:
The L_{A10} level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (L_{A90}) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

NOTE: The above noise levels are applicable for construction hours of; Monday to Friday, 7.00am to 5.00pm Saturday, 7.00am to 3.00pm No construction work outside of the above hours is permissible without the prior approval of Council.

- (54) That wastewater discharges to the sewers of the Sydney Water Corporation (SWC) shall not be undertaken other than in accordance with a Trade Waste License Agreement. The applicant is advised that pre treatment of wastewater may be a requirement of the Corporation prior to the discharge to sewer. Details of the Corporations requirements should be obtained prior to the commencement of work;
- (55) That prior to the commencement of works associated with the excavation, sorting and storage of contaminated soil a comprehensive Soil and Water Management Plan shall be submitted to Council for approval. The plan shall be site specific and should include but not be necessarily limited to:
 - (i) Identify the built and natural drainage patterns of the areas proposed to be disturbed and likely to be impacted by the proposal;
 - (ii) Identify existing overland flow paths in areas proposed to be disturbed and proposed divergence contingencies;
 - (iii) Identify the capacity of sedimentation devices/ponds based on a quantitative analysis of the catchment area
 - (iv) Identify the location and type of all proposed pollution control devices (sedimentation fences and barriers etc).
- (56) That any hazardous and/or industrial wastes arising from the operation shall be removed by a transporter licensed by the Environment Protection Authority pursuant to the Waste Minimisation and Management Act, 1995 and Regulation thereunder;

- (57) That the applicant and/or builder shall prior to the commencement of work, install and maintain suitable measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. The applicant and/or builder is advised that it is an offence to allow, permit or cause materials to pollute or be placed in a position that they may pollute waters;
- (58) That the applicant and/or builder shall prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Councils stormwater drainage system. Measures must include.
- (i) Siltation fencing;
 - (ii) Protection of the public stormwater system; and,
 - (iii) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

NOTE: The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Local Government Act, 1993 and/or the Clean Waters Act, 1970 if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

- (59) That all vehicles involved in the development process and departing the premises with demolition materials, spoil or loose matter shall have their loads fully covered before entering the public roadway;
- (60) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities that are a nuisance, injurious, dangerous or prejudicial to health;

- (61) That prior to the deposition of any excavated material in the storage area an audit of the pollution control /mitigation measures identified in the Environmental Management Plan, Reference 50663-9.REP shall be undertaken and documented;
- (62) That prior to the commencement of excavation activities the proponent shall supply to Council's Department of Health & Community Services contact details for the Environmental Manager;
- (63) That a site environmental management plan addressing issues such as noise and odour emissions, control of airborne particulate matter, soil and sediment control and a community relations liaison strategy shall be submitted to the Health and Community Services Department and approval obtained before work is commenced;
- (64) That the premises including all internal rooms not provided with adequate natural ventilation shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (65) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (66) That all air handling system fresh air intake and exhaust air discharge vents shall be located in positions approved by the Health and Community Services Department;
- (67) 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";
- (68) That the garbage and recycling rooms shall be constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (69) That adequate facilities shall be provided for the storage of recyclable material. The area to be located and marked to the satisfaction of the Director of Health and Community Services. Details to be submitted with the Building Application;
- (70) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (71) That the construction of any proposed food premises shall comply with the requirements of Material Code for the construction and fitout of food premises;

- (72) That the construction of any proposed food premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances;
- (73) That plans and specifications showing details of:
- (a) required mechanical ventilation systems;
 - (b) age room;
 - (c) recycling storage area;
 - (d) layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to any proposed food preparation and storage areas;
- shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (74) 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;
- (75) 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;
- (76) That the applicant may be liable to prosecution under the Local Government Act, 1993 for a breach of an approved condition, or under the Clean Waters Act, 1970, if its employees, agents or sub-contractors allow sediment, including soil. excavated material, building materials, or other materials to 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;
- you are advised that any requirements of Sydney Water for grease arrestors are to be complied with;

- (77) That the excavated material, construction supplies and on-site debris be stockpiled within the property and not encroach upon the footpath, nature strip or road;
- (78) That the applicant's attention is drawn to the advisability of having periodic tests made of the pool water as to its suitability for bathing purposes;
- (79) That any fill being brought onto the site should be compatible with soil already on the site;
- (80) That prior to the commencement of works details shall be submitted to Council demonstrating that an effective and through process of community consultation has been undertaken for the proposed excavation, sorting and storage works;

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- (81) That S.94 shall be calculated on each staged development application.
- (C) That the Council as the responsible authority grants its consent to the development application submitted by Sterling Estates Development Corporation Pty Ltd, with the authority of Australian Health Administration Corporation, for permission to subdivide the site into 10 lots, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plan numbered DA/MP-17;
 - (2) That the Linen plans for the proposed subdivision shall not be released until the site has been remediated and validated by an EPA accredited site auditor and a Site Audit Statement issued to Council;
 - (3) That Lot 1 shall be dedicated to Council and the developer shall be fully responsible for the management and maintenance of this lot for a period of 5 years. A management plan shall be submitted to Council outlining the proposed management of this lot. Lot 1 shall be subject to a positive covenant to enable public access;
 - (4) That the proposed main road shall be dedicated to Council as a public road;
 - (5) That each lot as designated by plan DA/MP-17 shall not exceed the maximum gross floor area as out lined below and calculations demonstrating compliance with this condition shall be lodged with any development application, these floor areas

excluded the 130 car parking space provided above the Councils DCP requirements:

Lot 1: 0 (Orphan School Creek Gully/Open Space)

Lot 2: 7 430 m²

Lot 3: 8 577 m²

Lot 4: 14 985 m²

Lot 5: 13 948 m²

Lot 6: 6 963 m²

Lot 7: 8 332 m²

Lot 8: 6 572 m²

Lot 9: 13 703 m²

Lot 10: 3 400 m²

- (6) That all corners on the proposed road within the development shall provide splays of 2.5m including the corner of Lot 2 and Lot 3 at the roundabout;
 - (7) That all external corners of the proposed road at the intersection with Pymont Bridge Road and Booth Street shall have 3m splays;
 - (8) That a splay of 2m shall be provided at Cross Street and Pymont Bridge Road and 1.5m at Foss Street and Cross Streets;
 - (9) 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 issuing a construction certificate. Sydney Water may require you to construct works and/or pay developer charges. Accordingly, you shall make immediate application to avoid problems in servicing your development.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

At the request of Councillor Harcourt, 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:-

- (1) That Council support the application by Stirling Estates subject to the conditions in the report of the Director of Planning and Building dated 11 March 1999, with the exception of Condition (5) and that authority be delegated to the Director of Planning and Building to grant consent subject to such additional conditions as may be recommended by Council's Solicitors to adequately protect Council and the Community with regard to contamination and the remediation of the site.

- (2) That persons who made representations be advised of Council's decision and that a copy of the consent be circulated in the Councillors Information Service.

Motion, as amended by consent, carried.

11.

ELIZABETH BAY ROAD, NO. 1A, POTTS POINT - CONSTRUCT A TERRACE AND ERECT SHADE STRUCTURES ADJACENT TO THE FOUNTAIN CAFÉ TO PROVIDE ADDITIONAL SEATING - DEVELOPMENT APPLICATION - SECTION 82 REVIEW (U98-00881)

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

That the application be refused as per Council's resolution of 9 December 1998, namely:-

- (1) That the proposal would adversely affect the residential amenity of the residents living in Kingsley Hall at No. 1A Elizabeth Bay Road, Potts Point;
- (2) That the proposal may impede access to emergency vehicles along Barncleuth Square;
- (3) That the proposal represents an undesirable encroachment of commercial activity onto Fitzroy Gardens;
- (4) That the proposal is not in the public interest.

Carried.

12.

MITCHELL ROAD, NOS. 177 - 219, ERSKINEVILLE (SYDNEY PARK VILLAGE) - USE SHOP 1 AS A CAFÉ AND TAKE AWAY FOOD SHOP - DEVELOPMENT APPLICATION (U99-00061)

- (A) That Council as the responsible authority grants its consent to the Development Application submitted by Vincent Randazzo for permission to use Shop No. 1 in "Kendal Gardens" as a café and take away food outlet with indoor seating for 29 persons, 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 \$375 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

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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 1 & 2 lodged on 17 February 1999;
- (3) That the hours of operation shall be restricted to between 6.00 a.m. and 10.00 p.m. Mondays to Thursdays. 7.00 a.m. and 12.00 midnight Fridays and Saturdays and 7.00 a.m. to 10.00 p.m. on Sundays and Public Holidays;
- (4) That all seating shall be restricted to within Shop No. 1. A separate Development Application shall be submitted for any proposed outdoor seating;
- (5) That a separate Development Application shall be submitted at the appropriate time for any proposed signs;
- (6) That plant, equipment and exhaust systems shall be designed and located so that they do not cause a noise or odour nuisance for residents;
- (7) That only recorded music may be used on the premises and any such music shall be low volume background music only;
- (8) That all relevant sections of the BCA shall be complied with;
- (9) 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;
- (10) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (11) That 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;
- (12) That all proposed work shall be wholly within the boundaries of the site;

- (13) 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;
- (14) That the walls of the food preparation area shall be constructed of approved solid material finished with glazed tiles or other rigid smooth-faced impervious material approved by the Health and Community Services Department, evenly laid to a height of at least 2 metres above floor level and covered to a minimum radius of 25mm, at the intersection with the floor;
- (15) That the walls of the food preparation area where not tiled, shall be painted with a washable gloss paint of a light colour;
- (16) That the floor of the food preparation area shall be constructed with an impervious, durable, non-slip and non-abrasive material covered to a minimum radius of 25mm, at the intersection with the walls;
- (17) That the floor of the food preparation area shall be constructed of a rigid smooth-faced, non-absorbent material and painted with a washable gloss paint of a light colour;
- (18) That a wash hand basin, conveniently located be provided in the café with an adequate supply of potable water at a temperature of at least 40°C delivered through an approved mixing device which can be adjusted to enable hands to be washed under hot running water;
- (19) That plans and specifications showing details of:
 - (a) all proposed mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

-shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (20) That a Certificate of Performance in accordance with Section 5 of Council's Ventilation Code, accompanied by details of the test carried out in respect ventilation being forwarded to the Director, Health and Community Services at completion and commissioning of the mechanical ventilation systems;
- (21) That a minimum of one water closet and one wash hand basin being provided for male customers;

- (22) That a minimum of one water closet and one hand basin being provided for female customers;
- (23) That a system of filtered mechanical exhaust ventilation being provided to the kitchen with hoods over all cooking and heating appliances;
- (24) That the kitchen exhaust vent being designed to discharge the effluent air in a vertical direction above roof level at least 6 metres from the boundary in a position where no nuisance will be created;
- (25) That the coffee machine being supported 100mms clear of the bench or counter top on approved metal legs;
- (26) That plans and specifications showing details of the kitchen exhaust hood and ductwork shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;

Note: Conditions 20 and 21 need not apply if the seating for customers is reduced to accommodate no more than 20 persons.

Note: You are advised that any requirements of Sydney Water for grease arrestors are to be complied with.

Note: Timber framed shelving is not permitted.

and the following adopted standard conditions:

- (27) hsc500 - Premises to be ventilated;
- (28) hsc101 - Not give rise to emissions into the environment;
- (29) hsc111 - Liquid wastes to sewer;
- (30) hsc301 - Cooking of food only if air handling system is provided;
- (31) hsc700 - Compliance with code for Garbage Handling System;
- (32) hsc711 - Commercial contract (trade waste);
- (33) hsc018 - Sanitary facilities;
- (34) hsc800 - Use of appliances emitting intrusive noise;
- (35) hsc801 - Noise from premises.

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

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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 this proposal be notified of Council's decision.
- (C) 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;

Carried.

13.

PLEASANT AVENUE, NO. 35, ERSKINEVILLE - BUILDING APPLICATION (SECTION 100 REVIEW) (Q98-00328)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Waters:-

That the application submitted by Mr Steven Williams, pursuant to Section 100 of the Local Government Act, 1993, for permission to carry out alterations and additions to the abovementioned premises, be deferred to the next Planning and Development Committee Meeting to be held on 21 April 1999.

Carried.

14.

KINGS CROSS ROAD, NO. 1 (EASTERN SITE), DARLINGHURST - ERECT 18 LEVEL BUILDING COMPRISING 142 RESIDENTIAL FLATS - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00124)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That the application submitted by the Walker Corporation Limited for permission to erect a residential tower at the abovementioned premises, be deferred to the next Planning and Development Committee Meeting to be held

on 21 April 1999, to allow the applicant time to receive their own legal advice as well as to provide information regarding the podium treatment.

Carried.

15.

MALCOLM STREET, NO. 41, ERSKINEVILLE - EXTENSION OF REAR OF TERRACE HOUSE - DEVELOPMENT APPLICATION (U98-01329)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Waters:-

That the application submitted by Phillip Diment for permission to extend the ground floor of terrace house and add first floor, be deferred to the next Planning and Development Committee Meeting to be held on 21 April 1999, to allow the applicant the opportunity to submit a further Heritage Report.

Carried.

16.

TRAFFIC - PARKING CONTROLS - PUBLIC CONSULTATION POLICY (2010399)

That Council approves the amendment of the Traffic/Parking Controls-Public Consultation Policy by the inclusion of the following clause:-

- (d) That proposals for the installation or variation of parking meters be submitted to the Traffic Committee for approval in principle, prior to the public consultation phase, subject to notification being referred to the Committee on the reasons why an "approved in principle" proposal does not proceed.

(DPWS Report 10.3.99).

Carried.

17.

FORBES STREET, NOS. 99 - 133, WOOLLOOMOOLOO - ALTERATIONS AND ADDITIONS TO OFFICE BUILDING - DEVELOPMENT APPLICATION (U98-01353)

- (A) That the Council, as the responsible authority, refuses its consent to the development application submitted by Mirvac Projects Pty Ltd (owner), for permission to construct an additional floor on an existing office building, at the abovementioned premises, for the following reasons, namely:-

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- (1) That the proposal would substantially exceed the maximum floor space ratio applicable in the area;
 - (2) That the proposal would substantially exceed the maximum height limit;
 - (3) That approval would be contrary to the intention of the height and floor space ratio standards in DCP 1997 for Woolloomooloo to maintain a low scale and intensity of development and would create an undesirable precedent;
 - (4) That no case has been made that approval would provide economic or employment advantages which would outweigh the increase in intensity in an already confined area.
- (B) That the applicant be advised to investigate the conversion of part of its surplus parking space to office use.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

18.

BOURKE STREET, NO. 478, SURRY HILLS - ALTERATIONS TO EXISTING BUTCHER SHOP - DEVELOPMENT APPLICATION (U98-01356)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act 1979 to the development application submitted by Foods 2 Impress, with the authority of Jefete Pty Ltd, for permission to alter and convert an existing shop and residence to a refreshment room and residence, 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 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;

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- (2) That the development shall be generally in accordance with the plan 433/01A and 433/02A dated 22 February 1999, held in Council's file U98/01356 except as outlined below;
- (3) That the residential area of the site be inaccessible to patrons of the café;
- (4) That no live entertainment shall be provided on the premises;
- (5) That the playing of any recorded music shall be low level and kept in the background;
- (6) That the subject site not be used as a Place of Public Entertainment;
- (7) That the private open space and residential areas shall not be used for any extension of restaurant activities;
- (8) That there shall be seating for no more than 30 patrons on the premises;
- (9) That the hours of opening shall be restricted to 7:00am to 9:00pm Monday to Saturday and 8:00am to 6:00pm Sunday;
- (10) That the use of the courtyard for patrons be restricted to 8:00 a.m. to 9:00 p.m. Monday to Saturday and 9:00 a.m. to 6:00 p.m. Sunday;
- (11) That the exhaust flue be placed through the first floor residence on the following requirements:-
 - (a) that it be situated in the corner of the southern wall of the existing living/dining room as marked on the plan;
 - (b) that it is encased by a fire rated material, appropriately detailed, that is flush with the walls, floors and ceiling;
- (12) That the ceiling beneath the first floor of the premises shall be constructed of material having resistance to the incipient spread of fire of one hour;
- (13) That the egress corridor shall be separated from the parking/loading area by construction having a minimum fire resistance level of 60/60/60;
- (14) That the stairway leading from the first floor residence shall not discharge into a covered area;
- (15) That the pergola shown on the plans be removed and not constructed;

- (16) That the construction, fitout and finishing of the premises comply with Food (General) Regulation 1997 and the National Code for the Construction and Fitout of Food Premises;
- (17) That adequate means of disposal of sanitary towels for females shall be provided in the water closet for females in accordance with the Building Code of Australia, Part F2;
- (18) That the two wash hand basins in the male and female toilets be provided with an adequate supply of potable water at a temperature of at least 40 C delivered through a required mixing device which can be adjusted to enable hands to be washed under hot running water in accordance with the requirements of the Food (General) Regulations 1997, clause 14;
- (19) That the two wash hand basins in the male and female toilets be provided and maintained with adequate hand drying facilities such as single-use towels, air dryers or other facilities in accordance with the requirements of the Food (General) Regulations 1997, clause 14;
- (20) That the floors of the refreshment room, the garbage room, the two toilets and the new kitchen being constructed with an impervious, durable, non-slip and non-abrasive material covered to a minimum radius of 25mm, at the intersection with the walls and being graded and drained to a floor waste connected to the sewer in accordance with the requirements of the Sydney Water Corporation Ltd;
- (21) That the storage and handing 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";
- (22) That adequate facilities shall be provided for the storage of recyclable material. The area to be located and marked to the requirements of the Director of Health and Community Services;
- (23) That all trade waste and excess packaging material shall be stored within the premises until removed by a waste contractor and no trade waste shall be stored in the public way at any time;
- (24A) That the existing shopfront and awning on the Bourke Street elevation shall be retained in accordance with the plans 433/01A and 433/02A dated 22 February 1999, held in Council's file U98/01356 by allowing:
 - (a) for an illuminated underawning sign;

- (b) for glass to be inserted in the lower panel of the entry doors;
- (c) for glass to be inserted in the panels above the existing large glass windows;

(24B) That plans and specifications showing details of:-

- (a) all proposed mechanical ventilation systems;
- (b) all required mechanical ventilation systems;
- (c) the location of exhaust/and intake vents;
- (d) the facilities for the retention and storage of excess packaging material;
- (e) any coolroom and the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial food premises;

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

and the following adopted standard conditions:

- (25) Vibration and Noise⁷⁰²⁸
- (26) hsc500 - Premises to be ventilated;
- (27) hsc518 - Exhaust vent;
- (28) hsc101 - Not give rise to emissions into the environment;
- (29) hsc111 - Liquid wastes to sewer;
- (30) hsc116 - Capture of refrigerants;
- (31) hsc118 - Waste oil containers;
- (32) hsc711 - Commercial contract (trade waste);
- (33) hsc715 - Trade waste;
- (34) hsc800 - Use of appliances emitting intrusive noise;
- (35) Air Handling - Food⁷⁰²²
- (36) Structural Design Certificate⁹⁰⁰⁶
- (37) Drainage Details with Construction Certificate⁹⁰¹³
- (38) Comply With BCA⁹¹⁰⁴
- (39) Construction Certificate Required⁹¹⁵⁵

- (40) Comply With the WorkCover Authority⁹¹⁰⁵
 - (41) Works Within Boundary⁹¹⁵²
 - (42) Building/Demolition Noise Control⁹¹⁵⁶
 - (43) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
 - (44) Commencement of Structural Works⁹²⁰²
 - (45) Protection of Openings⁹³⁰⁷
 - (46) Glazing Provisions⁹³³⁰
 - (47) Private Stairs and Balustrade Requirements⁹⁴²⁰
 - (48) Portable Fire Extinguishers be Installed⁹⁵⁰¹
 - (49) Fire Blanket be Installed⁹⁵⁰³
 - (50) Fire detection and alarm system⁹⁵²²
 - (51) Protection of walls and floors in wet areas⁹⁶⁰¹
 - (52) Clothes washing and drying facilities⁹⁶⁰³
 - (53) Damp and weather proofing⁹⁶⁰⁶
 - (54) Sanitary and clothes washing facilities⁹⁶⁰⁹
 - (55) Protection of Roof Lights⁹³²¹
 - (56) Entry to Refrigerator or Cooling Chamber⁹⁴³¹
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

19.

WILSON STREET, NO. 508, DARLINGTON - ERECT A TWO STOREY GARAGE WITH BEDROOM AND BATHROOM AT FIRST FLOOR LEVEL - DEVELOPMENT APPLICATION (U98-01168)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mr S R Whitelaw for permission to demolish the existing rear garage and laundry and erect a new two

storey garage with a bedroom and bathroom on the first floor level and a single car space and laundry at ground level, at the above mentioned premises, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans No. WIL-BA01A, WIL-BA02A, WIL-BA03 to WIL-BA11 received with the Development Application and endorsed by Council;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$64 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) That the proposed bedroom and bathroom above the new garage shall be used in conjunction with the existing dwelling on the property at all times and shall not be used as a separate dwelling without the prior consent of Council;

and the following adopted standard conditions:

- (5) Details of Materials – Deferred Consent¹¹⁶
- (6) Alignment Levels¹⁰¹⁶
- (7) Footway Crossing³⁰²⁸
- (8) Obstruction of Public Way³⁰²⁹
- (9) Stormwater Standard⁴⁰⁰¹
- (10) Tree Preservation Order⁵⁰⁰⁵
- (11) Compliance with Building Code of Australia⁸⁵⁰¹
- (12) Residential Building Work⁸⁵⁰³
- (13) Retaining Walls and Drainage⁸⁵⁰⁵

- (14) Protection of Public Places⁸⁵⁰⁷
- (15) Signs Erected on Building and Demolition Sites⁸⁵⁰⁸
- (16) Structural Design Certificate⁹⁰⁰⁶
- (17) Drainage Details with Construction Certificate⁹⁰¹³
- (18) Comply With BCA⁹¹⁰⁴
- (19) Comply With the WorkCover Authority⁹¹⁰⁵
- (20) Construction Hours⁹¹⁵¹
- (21) Hours of Work and Use of Cranes⁹¹⁵³
- (22) Construction Certificate Required⁹¹⁵⁵
- (23) Commencement of Structural Works⁹²⁰²
- (24) Smoke alarms⁹⁵²³
- (25) Ventilation⁷⁰²³
- (26) Clean Water Discharge⁴⁰⁰²
- (27) Builders Hoarding Permit¹⁰⁰⁸
- (28) Alignment Levels¹⁰¹⁶
- (29) Footway Crossing³⁰²⁸
- (30) Stormwater Standard⁴⁰⁰¹
- (31) Connection to Council's Stormwater System⁴⁰⁰⁵

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 may be liable to 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 fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways. The applicant shall

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

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

Carried.

20.

ROCHFORD STREET, NO. 163, ERSKINEVILLE - ALTERATIONS TO REAR OF DWELLING - DEVELOPMENT APPLICATION (U99-00001)

- (A) That the Council, as the responsible authority grants its consent to the application submitted by James Lynch, with the authority of James Lynch and Victoria Haisman for the permission to extend the above premises on the ground floor at the rear, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$900 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 \$120, 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 submitted with the development application;
 - (4) That the height of the existing southern boundary wall shall not be raised and the new extended wall shall match the height of the existing wall;
 - (5) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
 - (6) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not

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give rise to an “offensive noise” as defined under the provisions of the Noise Control Act 1975;

- (7) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater drainage system, in accordance with Council's requirements;
- (8) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (9) That all relevant sections of the BCA shall be complied with;
- (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 an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (12) That 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) Regulations;
- (13) 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.

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.

SYDNEY STREET, NO. 12, ERSKINEVILLE - DEMOLITION AND ERECTION OF A NEW PART ONE PART TWO STOREY TERRACE DWELLING - DEVELOPMENT APPLICATION (U98-00688)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mr Phillip Serio, with the authority of Ms M Neathercote, for permission to demolish the existing weatherboard cottage and erect a new part one part two storey dwelling on Lot 1 DP 717599, No.12 Sydney Street, Erskineville, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$320 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 256/97/S1-D dated 11 November, 1998 submitted on 20 November, 1998, prepared by David Mason Drafting and Design Services;
 - (4) That a survey certificate shall be submitted with the Construction Certificate verifying that the RLS of No.8 match the proposed RLS of No.12 Sydney Street for the ridge of the roof, roof gutters, the first floor balustrade floor, ground floor and verandah floor height;
 - (5) 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

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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;

- (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) balcony treatment;
 - (d) windows and doors;

-and such materials shall respect and be consistent with the attributes and character of the surrounding area;
- (7) That the developer shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerbing, guttering, drainage etc. The work shall be done by the Council, unless other arrangements are approved in writing by 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 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;
- (10) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;
- (11) That any intruder alarm shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standards 2201, Parts 1 and 2 – 1978;
- (12) That any excavation, demolition and building work shall comply with Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;

- (13) 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);

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

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

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

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

evidence that the person has complied with the requirements of that Part;

- (15) 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;

- (16) 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;

- (17) 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;
- (18) 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.

- (19) That a certificate shall be submitted from a licensed builder or architect confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
- (20) 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);
- (21) That all proposed work shall be wholly within the boundaries of the site;
- (22) 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;
- (23) 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;
- (24) 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.

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

Carried.

22.

CARILLON AVENUE, NO. 90, NEWTOWN - DEMOLITION OF ALL BUILDINGS ON THE SITE - DEVELOPMENT APPLICATION (U98-01242)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Multiplex Constructions Pty Ltd, with the authority of Sydney University, for permission to demolish all buildings on the site, 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 \$1,950 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 \$260, 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 98037 titled "Demolition Works";
 - (4) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;
 - (5) That a plan for the control of traffic shall be submitted to Council prior to the commencement of works. The plan shall detail:
 - (a) Exact location of proposed accesses;
 - (b) Signage;
 - (6) That traffic control officers shall be used to warn drivers and pedestrians of vehicles entering or leaving the site;

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- (7) That vehicular access shall be limited to Missenden Road and/or Carillon Avenue with a single access point on each;
- (8) That parking for construction workers shall be provided on site;

Construction / Demolition Noise

- (9) Noise from construction/demolition activities associated with the development shall comply with the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is;

- (i) Construction periods of 4 weeks and under:

The L_{A10} level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (L_{A90}) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.

- (ii) Construction periods greater than 4 weeks and not exceeding 26 weeks:

The L_{A10} level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (L_{A90}) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

NOTE: the above noise levels are applicable for construction hours of:

- Monday to Friday, 7.00am to 5.00pm
- Saturday, 7.00am to 3.00pm
- No construction work outside of the above hours is permissible without the prior approval of Council.

Vehicle Cleansing

- (10) The applicant and/or builder shall prior to the commencement of work, install and maintain suitable measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. The applicant and/or builder is advised that it is an offence to allow, permit or cause materials to pollute or be placed in a position that they may pollute waters.

Refrigerant Vapour Recovery (Ozone Protection Act)

- (11) Where the decommissioning of any refrigeration and/or air conditioning equipment is proposed, any fluorocarbon refrigerant

contained in the equipment shall be recovered and disposed of in accordance with the provisions of the Ozone Protection Regulation, 1991.

Hazardous & Industrial Waste (Removal)

- (12) Hazardous and/or industrial wastes arising from the operation shall be removed by a transporter licensed by the Environment Protection Authority pursuant to the Waste Minimisation and Management Act, 1995 and Regulation thereunder;

Hazardous and Industrial Wastes

- (13) Hazardous wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities, together with the relevant regulations, namely:
- (a) The NSW Occupational Health and Safety Act 1983;
 - (b) Regulation 84A-J of the "Construction Work Involving Asbestos or Asbestos Cement" 1983, as amended 1984, 1986, 1990 and 1996 of the NSW Construction Safety Act, 1912;
 - (c) The Occupational Health and Safety (Hazardous Substances) Regulation 1996;
 - (d) The Occupational Health and Safety (Asbestos Removal Work) Regulation 1996.

Soil and Sediment Control

- (14) The applicant and/or builder shall prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Councils stormwater drainage system during construction/demolition. Measures must include;
- Siltation fencing
 - Protection of the public stormwater system; and,
 - Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

Soil and Sediment prosecution note

- (15) NOTE: The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Local

Government Act, 1993 and/or the Clean Waters Act, 1970 if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

Soil and Sediment: Drains, gutters etc

- (16) (16) Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required gutters and roadways shall be swept regularly to maintain them free from sediment. Matter is not to be washed down into the drainage system.

Soil and Sediment Control: Building Operations

- (17) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the public footway or any other locations which could lead to the discharge of materials into Council's stormwater drainage system.

Soil and Sediment Control: stockpiles

- (18) Stockpiles shall not be stored on Council's property (including nature strips) unless the prior approval of Council has been obtained and the method of storage is adequate to prevent the material being deposited into Council's stormwater system.

Soil and Sediment Control: Covering of Loads

- (19) All vehicles involved in the demolition process and departing the premises with demolition materials, spoil or loose matter shall have their loads fully covered before entering the public roadway.

Environmental Management Plan

- (20) Prior to the commencement of demolition activities an Environmental Management Plan (EMP) shall be developed and submitted to Council's Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- (a) measures to control noise emissions from the site,
 - (b) measures to suppress odours and dust emissions,
 - (c) selection of traffic routes to minimise residential noise intrusions,
 - (d) soil and sediment control measures,
 - (e) measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos,
 - (f) community consultation.
- (21) That the developer shall provide a system of on site stormwater detention to conform to Council's code. The developer shall submit with the application for a Construction Certificate, the drainage plans prepared by a drainage consultant certified by Council. The drainage shall be discharged to Council's system in accordance with the requirements of the Director of Public Works and Services;
- (22) That the developer shall reinstate any damaged kerb and gutters in materials similar to those existing;
- (23) That the developer shall accept the responsibility for the cost of any alteration or adjustment to the existing public utility services affected by roads and drainage works associated with the development;
- (24) That the developer shall provide to Council's satisfaction pollution control plans detailing the methods of control:
- (a) Overland stormwater flow
 - (b) Dust
 - (c) Excavated material on truck tyres
 - (d) Stormwater detention ponds
 - (e) Sediments and siltation.

and the following adopted standard conditions:

- (25) Breakdown on material on site⁷⁰⁰¹
- (26) Emissions⁷⁰⁰⁴
- (27) Works on Public Way Cost¹⁰⁰²
- (28) Alteration of Public Services¹⁰⁰⁶
- (29) Builders Hoarding Permit¹⁰⁰⁸
- (30) Cost of Signposting³⁰²⁶

- (31) Footway Crossing³⁰²⁸
- (32) Construction Traffic³⁰³⁰
- (33) Obstruction of Public Way³⁰²⁹
- (34) Traffic and Pedestrian Management³⁰³¹
- (35) Stormwater Standard⁴⁰⁰¹
- (36) Clean Water Discharge⁴⁰⁰²
- (37) Connection to Council's Stormwater System⁴⁰⁰⁵
- (38) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (39) Works Within Boundary⁹¹⁵²
- (40) Work on Public Way⁹¹⁵⁴
- (41) Breakdown on material on site⁷⁰⁰¹
- (42) Emissions⁷⁰⁰⁴
- (43) Noise and Vibration⁷⁰²⁶
- (44) Refuse Skips⁶⁰⁰²
- (45) Construction Hours⁹¹⁵¹
- (46) Building/Demolition Noise Control⁹¹⁵⁶
- (47) Landscape Plan⁵⁰⁰¹
- (48) Preserve Existing Trees⁵⁰⁰⁶
- (49) Car Park Landscaping⁵⁰¹²
- (50) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (51) Excavations and Backfilling⁹¹⁶⁰
- (52) Excavations and Backfilling Safely⁹¹⁶¹
- (53) Demolition to Comply With Aust Standard⁹¹⁶³
- (54) Comply With the WorkCover Authority⁹¹⁰⁵
- (55) Contaminated Waste⁶⁰¹²

(56) Clean Water Discharge⁴⁰⁰²

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.

23.

BOTANY ROAD, NOS. 252 - 274, ALEXANDRIA - MASTERPLAN AND REDEVELOPMENT OF FORMER ALCATEL SITE (U98-00748)

- (A) That the Council as the responsible authority (and subject to the formal adoption of the Green Square S.94 Contributions and DCP allowing a maximum FSR of 2.5:1 for this site) favours the granting of consent to the application and masterplan submitted by Mascot Investment to redevelop the former Alcatel Site to include the construction of 259 strata units, commercial/retail floor space ancillary car parking and private and public open space, subject to the following conditions and subject to a condition requiring the payment of Section 94 conditions in accordance with the Green Square Section 94 Plan, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$81,000 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 \$50,000, 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 DA01 dated August 1998, DA02 dated November 1998, DA 03 dated November 1998, DA 04 to DA 30

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inclusive all dated August 1998. The palette of colours and materials submitted with the application;

- (4) That a separate development application shall be lodged for the specific use of the commercial/retail tenancies;
- (5) That the developer/owner shall accept responsibility for all costs associated with the design and construction of any works on the public way (including kerb, gutter, pavement, footpath paving, landscaping, drainage and alteration of public utility services), with such works to be carried out by Council's workforce (unless otherwise agreed in writing by the Director of Public Works and Services);
- (6) 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;
That any excavation below the footpath level adjacent to the street alignment shall require shoring in accordance with Council's Shoring Policy;
- (7) 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);
- (8) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (9) 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;
- (10) That of the required car parking spaces, at least 5 shall be 3m x 5.5m minimum (with a minimum headroom of 2.5m) and shall be clearly marked and appropriately located for disabled driver's parking;
- (11) That of the required car spaces, at least 3 measuring a minimum of 3.5m x 5.5m shall be provided as a car wash bay for the development and shall be provided with water connection and drainage, detailed in the application for a construction certificate.

All wash bay discharges are to be disposed of according to the standard requirements of the Director of Public Works and Services;

- (12) That a sign, legible from the street, shall be permanently displayed to indicate the availability of visitor parking, and visitor parking shall be clearly marked as such prior to occupation;
- (13) That all loading and unloading operations shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units);
- (14) That at all times the loading docks, car parking spaces and access driveways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
- (15) That all vehicles shall always be driven onto and off the site in a forward direction;
- (16) 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;
- (17) That the developer shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerbing, guttering, drainage etc. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (18) 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;
- (19) 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;
- (20) 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;

- (21) 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;
- (22) That the developer/owner shall provide a system of on-site detention of stormwater in accordance with Council's standard requirements for stormwater discharge. All details of on-site detention and discharge shall be approved by a Council-registered certifier prior to the approval of the construction certificate;
- (23) 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;
- (24) That the owner/developer shall dedicate to the Council, free of cost to the Council, the following land:
- a 3m splay at the intersection of Mandible Street and Botany;
- limited if so desired in height and/or depth to 5m above and/or 2m below the adjacent footway level, to be detailed in a plan for consolidation of the land, to be approved by the Director of Public Works and Services, prior to issuing an Occupation Certificate;
- (25) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way to the lift lobby in accordance with the design requirements of the relevant Australian Standards;
- (26) A landscape plan for the site prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services for approval. The detail plan shall be based on the submitted Landscape Master Plan and shall include the principals contained in Section 4.9 Landscaping and Open Space of the Statement and Environmental Effects Report. The plan shall nominate hard works and softworks including decorative paving types, garden bed edging, existing and proposed critical levels, planting types and species, locations, plant numbers and sizes (container size and height) and irrigation. Minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs;
- (27) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;
- (28) That all existing trees on the site shall be protected from construction activities by the erection of a safety fence or

barricade around the drip line (canopy edge) around each tree. No materials or equipment shall be stored or placed within the fenced area;

- (29) That the developer/owner shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1996). The trees shall be a minimum of 75 litre container size, a minimum of 75mm caliper and shall be planted 10m apart, and shall be planted prior to issuing an occupation certificate;
- (30) That trees are to be planted within the car parking area(s) at a minimum rate of 1 tree per 10 car parking spaces for double rows of parking and 1 tree per 5 car spaces for single rows of parking and around the car park perimeter in accordance with Councils Development Control Plan No. 11. Under storey planting is to accompany the tree planting. The landscaping works are to be separately approved by the Director of Public Works and Services or detailed in the application for a construction certificate, and all planted prior to issuing an occupation certificate;
- (31) 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;
- (32) That the developer shall submit with the landscape plan an annual maintenance programme for landscaping on the site, which is to be supplied to the body corporate or building owner for ongoing maintenance of the site;
- (33) That the landscaping works shall be to the satisfaction of the Parks Development Branch (ring to arrange a final inspection), prior to issuing an occupation certificate;
- (34) That no garbage or industrial waste shall be placed on the public way (eg footpaths, roadways, plazas, reserves etc) at any time;
- (35) 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);
- (36) That the garbage/recycling areas shall make provision for containerisation requirements set by Council's Waste Services Section;

- (37) 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";
- (38) That any discharge to the atmosphere from the development shall comply with the requirements of the Clean Air Act and Regulations;
- (39) That any excavation, demolition and building work shall comply with Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;
- (40) That to eliminate concrete and other wastes entering the drainage system, all concrete trucks and trucks used for the disposal of spoil shall be washed down before leaving the site. Washing down must always take place in suitable off-street areas, and no wash water is to flow onto the public way;
- (41) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (42) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the EPA or an accredited auditor and shall be submitted to Council for referral to the EPA or an accredited auditor. This assessment will need to certify that the site does not pose a risk to public health and is suitable for the intended use. It should be noted that the 'Construction Certificate' will not be issued until the Contamination Assessment has been submitted to Council and the site has been given clearance by the EPA or an accredited auditor. No works on the site shall be undertaken prior to the EPA or an accredited auditor giving clearance other than works associated with the remediation of the land;
- (43) 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;
- (44) 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;

That the car park shall be ventilated in accordance with Australian Standard 1668 - 1991.1 Specification 7 and Australian Standard 1668.2 Section 4;

- (45) That all air handling, evaporative cooling, hot water, humidifying, warm water and water cooling systems installed on the premises shall comply with the Public Health Act 1991 and Public Health Regulations 1991;
- (47) 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 issuing a construction certificate. Sydney Water may require you to construct works and/or pay developer charges. Accordingly, you shall make immediate application to avoid problems in servicing your development;
- (48) That the owner shall dedicate to Sydney Electricity (or equivalent), free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if required, of a size and location to be in accordance with the requirements of Sydney Electricity (and shall not to intrude on the public way and shall be integrated into the landscaping of the site);
- (49) 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;
- (50) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (51) Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
- (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
 - (b) in the case of work to be done by any other person:

- (i) has been informed in writing of the person's name and owner-builder permit number, or
- (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act,

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

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

- (52) 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;
- (53) That if the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage;
- (54) 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;

- (55) That 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;
- (56) In this condition, allotment of land includes a public road and any other public place;

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;

- (57) 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;
- (58) 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;

- (59) 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;

- (60) That the applicant/owner shall fully meet the cost of any alteration or adjustment to existing public services affected by the proposed work, including the relocation of electric light poles or other services and the cost of Council's subsequent restoration of the pavement (unless other arrangements are made with the Director of Public Works and Services);
- (61) That the developer shall, to the satisfaction of the Director of Public Works and Services and with the exception of the area immediately south of the Wyndham Street building being retained, widen the footway on the northern side of Mandible Street from 1.8 metres to 3.0 metres from land within the site, dedicate the widened area to Council and meet the cost of the roadworks required for the widening;
- (62) That the main vehicular access to Mandible Street shall comprise a 6 metre entry, a 4 metre exit and a minimum separation of 2 metres, so as to improve turning movements and to protect pedestrians;
- (63) That the developer shall satisfy the requirements of Councils DCP No. 11 "Transport Guidelines for Development";
- (64) That there shall be a clear area above the stormwater channel to act as a floodway through the site and to prevent flooding of Botany Road;

OR

That the applicant shall submit with the Construction Certificate a suitable alternative to the requirement for an overland flow path to the satisfaction of the Director of Public Works and Services;

- (65) That subject to the concurrence of the RTA State Network Services, the applicant shall (subject to an agreement with respect to funding) meet the cost of traffic signals at the intersection of Mandible Street and Wyndham Street;
- (66) That an application for construction certificate, 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;

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

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

- (B) That authority be delegated to the Director of Planning and Building to determine the application following the Green Square DCP and Section 94 Planning coming into force.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

24.

BOURKE STREET, NO. 354, WOOLLOOMOOLOO - ALTERATIONS AND ADDITIONS TO HOTEL BUILDING - SECTION 96 APPLICATION (U97-00348)

- (A) That the Council as the responsible authority refuses its consent to an application lodged under Section 96 of the Environmental Planning and Assessment Act to amend a development consent granted on 15 October 1997 for the refurbishment of an existing hotel with the addition of an extra floor and the construction of a five level addition with subsequent strata subdivision by the amendment of condition 17:

"(17) That the hours of operation of the bar shall not exceed 10.00 am to 12.00 pm Monday to Saturday and 12 midday to 10.00 pm on Sundays".

to permit hours of 5.00 am to 3.00 am seven days a week, for the following reasons, namely:-

- (1) That the proposed hours are inappropriate to a substantial and increasingly residential area;
- (2) That the increased intensity of the use would adversely affect adjoining residents;
- (3) That with the hours proposed the project as approved by the Council 15 October 1997 would constitute an overdevelopment;
- (4) That the hours proposed are longer than those to which the hotel was stated to operate at the time the original development application was submitted;

GENERAL MANAGER

- (5) That approval in the circumstances would not be in the public interest.

Carried.

25.

PLANNING - DISABLED ACCESS FOR THE GREEN SQUARE RAILWAY STATION (2014373)

That Council receive and note the information contained in the report by the Director of Planning and Building dated 15 March 1999.

At the request of Councillor Fenton, and by consent, the motion was amended by the addition of a clause (B) to the recommendation, namely:-

- (B) That Council Officers refer to the Consultants for the Town Centre Masterplan the following points detailed in the abovementioned report, namely:-
- (1) integrating the pedestrian sub-way system with lift-cores and foyers of surrounding buildings;
 - (2) adequately designing the pedestrian environment for the town centre, civic areas and surrounding networks;
 - (3) establishing whole-of-journey disabled access criteria for the public domain.

Motion, as amended by consent, carried.

26.

PHILLIPS, NO. 30, ALEXANDRIA - ERECTION OF TWO TERRACES - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-01337)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Peter Anderson, with the authority of Green Square Properties Pty Ltd, for permission to construct 2 two storey terrace houses with attic at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered BA 01A to BA06A dated 9 December, 1998 ;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$4,500 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

GENERAL MANAGER

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

- (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 \$600 or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) That the lower panels of the side facing first floor windows shall be fixed or and obscured at the lower level;
- (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 Development Control Plan 1997;
- (6) That the existing wooden fence along the northern boundary shall be re-instated;
- (7) That the dormers at the front elevation shall be proportioned in accordance with the controls on Page 124 of DCP 1997;
- (8) That the landscaping to the southernmost unit shall be reduced and the size of the proposed right of way decreased to ensure that the minimum 5.4m length is achieved for the two parking spaces;
- (9) 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	\$ 6,317	2E97001.BGY0
Open Space/Townscape/Public Domain	\$ 1,923	2E97002.BGY0
Accessibility And Transport Management	\$ 24	2E97006.BGY0
	\$ 96	2E97007.BGY0
Multi function Admin Centre	<u>\$ 1,723</u>	2E97008.BGY0
Total	\$10,083	

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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 98/99.

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.

(10) That paving in the rear courtyard area shall be of a permeable nature in accordance with DCP 1997;

(11) That the front setback shall be increased by 0.6m to match the adjoining building to the north;

and the following adopted standard conditions:

(12) Ventilation⁷⁰²³

- (13) Noise and Vibration⁷⁰²⁶
- (14) Natural light and ventilation⁹⁶¹³
- (15) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶
- (16) Contamination Assessment⁷⁰¹⁸
- (17) Clean Water Discharge⁴⁰⁰²
- (18) Comply With BCA⁹¹⁰⁴
- (19) Construction Certificate Required⁹¹⁵⁵
- (20) Alignment Levels¹⁰¹⁶
- (21) Cost of Signposting³⁰²⁶
- (22) Footway Crossing³⁰²⁸
- (23) Obstruction of Public Way³⁰²⁹
- (24) Delivery of Construction Materials³⁰³²
- (25) Stormwater Standard⁴⁰⁰¹
- (26) Refuse Skips⁶⁰⁰²
- (27) Construction Noise⁷⁰⁰⁸
- (28) Works Within Boundary⁹¹⁵²
- (29) Building/Demolition Noise Control⁹¹⁵⁶

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

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) Regulations.

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.

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

The Council Meeting terminated at 8.05 p.m.

Confirmed at a meeting of South Sydney City Council
held on1999

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER