

228TH Meeting**Erskineville Town Hall
Erskineville****Wednesday, 26 May 1999**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.42 p.m. on Wednesday, 26 May 1999.

PRESENT

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

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

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Confirmation of Minutes

Moved by Councillor Lay, seconded by Councillor Macken:-

That the minutes of the Extraordinary Meetings of Council of 28 April 1999 and 3 May 1999, be taken as read and confirmed.

Carried.

MINUTE BY THE MAYOR

26 May 1999

**CELEBRATIONS - NATIONAL SORRY DAY -
COMMUNITY EVENT, SUNDAY, 30 MAY 1999 (2017734)**

Today is National Sorry Day, the first anniversary since the establishment of the day as recommended by the Royal Commission into the Stolen Generations. To date, the Howard Government has still not apologised to the Stolen Generation.

On behalf of South Sydney Council I like would to recognise the traditional owners of this area of South Sydney, the Gadigal people from the Eora Nation.

I would like to re-iterate this Council's commitment to Reconciliation and in so doing express our sense of regret for the terrible policies that brought about the forced removal of Aboriginal children from their families.

As part of Reconciliation Week, I would like to invite everyone to join with Council to celebrate "Survival and Succeeding" our community event at Redfern Park, this Sunday at 11am.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Waters:-

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

Carried.

MINUTE BY THE MAYOR

20 May 1999

**PUBLIC RELATIONS - CIVIC RECEPTION ON THE
RETIREMENT OF MARGARET BARRY (2021124)**

In June 1999 Margaret Barry, the Coordinator of the Inner Regional Council for Social Development will retire from the position she has held for 22 years. During this time she has been a dynamic force in the South Sydney community.

In recognition of her service over the last 22 years, it is proposed to host a civic reception on Saturday, 26 June 1999 in Redfern Town Hall to honour her and celebrate her retirement.

RECOMMENDATION

That Council acknowledge the service Margaret Barry has given the South Sydney community during the last 22 years by hosting a civic reception on Saturday, 26 June 1999 at Redfern Town Hall and for which funds of seven thousand dollars (\$7,000) will need to be added to the 1998/99 Budget Estimates (EBC 77FO).

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

MINUTE BY THE MAYOR

12 April 1999

**PUBLIC RELATIONS - PRESENTATION - FRAMED PHOTO OF WILLIAM
REDFERN (2021125)**

In January 1996, Mr James Locksley Kemp, in association with the Australian Pioneers' Club, presented to Council's Media Unit, a photographic copy of William Redfern taken from an original historic oil painting.

To date this photo has been held in care by Council's Community Liaison Officer awaiting the completion of renovations of the Redfern Town Hall. The framed photo, together with an inscription plaque is now formally presented to Council.

It is understood that only two such official photographs exist, one which is held by the Mitchell Library and one now the property of South Sydney City Council.

On behalf of South Sydney City Council I would like to thank Mr James Locksley Kemp and the Australian Pioneers' Club for their gift of the historic photograph of William Redfern to Council and the South Sydney community.

After nearly two hundred years, William Redfern remains a significant influence in the heritage and social development of South Sydney.

RECOMMENDATION

That Council gratefully accepts the donation of a framed historic photograph of William Redfern, presented by James Locksley Kemp in association with the Australian Pioneers' Club, Sydney, and that the picture be hung in the recently renovated Redfern Town Hall.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

25 May 1999

DONATIONS - FREE USE OF REGINALD MURPHY HALL AND REDFERN TOWN HALL FOR COMMUNITY MEETING - "REPORT BACK" FROM DRUG SUMMIT (P56-00410)

The recent NSW drug summit delivered many recommendations that will affect the South Sydney community. A proposal to conduct a public meeting to report back to the community on issues and recommendations from the summit has come from summit delegate and Federal Member for Sydney, Tanya Plibersek.

The proposal is for two meetings, one in Kings Cross and one in Redfern, where the South Sydney community will be invited to hear reports from a range of delegates including, Tony Trimmingham, Dr Alex Wodac and the Reverend Ray Richmond.

As a Council, I believe it is important that we support the process of informing the community about these complex issues, many of which will require Council's involvement in future community consultation. I would recommend that Council support the proposal for a community meeting to report back from the NSW drug summit to the public and assist by allowing free use of the Reginald Murphy Hall on Thursday, June 17th and the Redfern Town Hall on Friday, June 18th.

Further that Council contribute \$1,000 to the advertising and letter-boxing costs to ensure that the community is fully informed of the events.

Recommendation:

That Council waives the fee of \$240 for the use of Reginald Murphy Hall and Redfern Town Hall for the holding of community meetings to report back from the drug summit. That Council makes a contribution of \$1,000 to publicising the event, for which funds are available in 1998/1999 Budget Estimates (ENE 77DO).

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE MAYOR

26 May 1999

**STREETS - LIGHTING IN KING STREET, NEWTOWN -
1999 "EAT STREET" CELEBRATION (2001472)**

I have received correspondence from the President of the Newtown Chamber of Commerce confirming that King Street has been nominated as the 1999 "Eat Street" by Tourism NSW. This follows the successful Newtown Tourism Project which was jointly funded by Tourism NSW, South Newtown Mainstreet Project, Newtown Chamber of Commerce and South Sydney and Marrickville Councils.

To celebrate, the Chamber is undertaking a major promotion in King Street and Enmore Road from 19 June to 4 July, 1999 as part of Tourism NSW "Feast of Sydney" event.

To draw attention to the event the Chamber has requested Council to agree to change the white light globes in underawning lights to blue lights to create a visual impact in King Street over the two week period. The change is estimated to cost \$4,000.00 for which funds are available in the 1998/99 Mainstreet Program Budget (GP9 9003).

I understand Marrickville Council is supporting the event in a similar way in King Street and Enmore Road.

Recommendation:

That in support of the Newtown Chamber of Commerce's "Eat Street" promotion from 19 June to 4 July, 1999, the underawning lighting be changed from white light globes to blue light globes at an estimated cost of \$4,000, for which funds are available in the 1998/1999 Budget Estimates (GP9 9003).

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

MINUTE BY THE MAYOR

26 May 1999

PUBLIC RELATIONS - DEATH OF ROBERT GUDGEON (2004380)

It is with regret that I inform Council of the recent death of Robert Gudgeon, father-in-law of former Councillor, Barry Carroll.

Robert died suddenly after a long illness and will be sadly missed by family and friends of the South Sydney community.

It is recommended that a letter under the signature of the Mayor be sent to his wife, Kitty, and her family expressing the condolences of Council.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

26 May 1999

PUBLIC RELATIONS - DEATH OF ALBERT "BERT" WALKER (2004380)

It is with regret that I inform Council of the recent death of Albert "Bert" Walker.

Albert, known to his friends as Bert, was the husband of The Honourable Judith Walker, former member of Legislative Assembly.

Bert was a member of the Australian Labor Party for 36 years, devoting his time to the community. Bert passed away suddenly after suffering a long illness.

It is recommended that a letter be sent to the Honourable Judith Walker under the signature of the Mayor expressing the condolences of Council.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

At this stage Councillor Macken also expressed his personal condolences to the deceased's family on the death of Bert as he was a close friend.

MINUTE BY THE MAYOR

11 May 1999

**ADMINISTRATION - GENERAL MANAGER -
EXTENSION OF CONTRACT (2020700)**

A minute by the Mayor dated 11 May 1999, was circulated to all Councillors prior to the Council Meeting.

The Council resolved that the press and the public be excluded during the consideration of this Item, and further, access to correspondence and reports be withheld in respect of such Item because in the opinion of the Council, publicity of the proceedings of the Council Meeting would be prejudicial to the public interest by reasons of the confidential nature of the business to be transacted.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

26 May 1999

**ADMINISTRATION - DRAFT MANAGEMENT PLAN 1999-2002 -
APPROVAL FOR PUBLIC EXHIBITION (2019941)**

The Draft Management Plan 1999-2002 has been reviewed by the Councillors. Attached are reports by the Director of Public Works & Services and Director of Corporate Services on fees and charges which may require amendments to the Plan.

The overall Plan incorporates 22 programs. Further detailed information is contained in 56 internal Business Plans which are currently being prepared and are scheduled for completion by 30 June, 1999.

Financials

The rate increase of 2.4% as approved by the Minister has been taken up.

Public Exhibition

Once approved, we will place the Draft Plan on public exhibition for 28 days. All comments received will be reported on by the Directors before final adoption of the Plan.

Recommendation:

Council approves the Draft Management Plan 1999-2002 to be placed on public exhibition in accordance with the Local Government Act. (GM Minute 26.5.99)

J. W. Bourke (SGD)

General Manager

Moved by Councillor Macken, seconded by Councillor Harcourt:-

- (1) That the minute by the General Manager, be approved and adopted.
- (2) That the reports by the Director of Public Works and Services dated 25 May and 26 May 1999, be approved and adopted.
- (3) That the report by Council's Venue Manager dated 25 May 1999, be approved and adopted.

Carried.

MINUTE BY THE GENERAL MANAGER

24 May 1999

**PROPERTIES - ESTABLISHMENT OF COUNCIL'S CHAMBER
INTO CENTENNIAL PLAZA BUILDING (2020750)**

In response to a request to ascertain if the Council Chambers presently located at Erskineville Town Hall could be accommodated in the new building at Central Plaza, Mary Street, Surry Hills. The Council's interior designers have carried out a number of scenarios in respect of this request and layout (Layout Drawings marked "A" and "B").

To fit the Council Chambers together with the dining room, associated kitchen and refreshment area, appears to only cater for 34 to 40 people. An attempt to place the Council Chambers only and outsource the dining facilities to nearby establishments, would increase the capacity of the Council Chambers to 68. However, this is at the expense of providing operational meeting rooms on the ground floor. The impact of this would require additional space on already compact upper floor layouts, and in some cases, becomes unacceptably compact.

(Layout Drawing marked "C") involves a roll-out roll-away Council Chamber to be located in the public waiting and meeting areas, directly opposite the intended One Stop Shop. This second layout can seat up to 70 people at an estimated additional cost of \$170,000. The advantages of this system allows for full use of the seating in the main foyer and can flow into the One Stop Shop if necessary.

Displays and other furniture normally located in the public area can be moved and stored for the duration of the Council meeting and returned before the Council opens the next morning. Again, associated dining services can be arranged in nearby establishments.

SUMMARY

From the design given by the internal layout consultants, the Council Chamber and associated dining requirements do not fit neatly in with operational requirements. The displacement of meeting rooms that increase public access into the tower office areas, together with the actual replacement of rooms, onto already compressed office layouts, proves too difficult.

The roll-out roll-away also has a number of difficulties to overcome and would also cause operational and logistical problems associated with moving furniture and at times larger displays and models. Both the above scenarios do not allow on-site dining facilities and the need to travel off site.

The present tenant, DVA, have also expressed concern over the Council's proposal and have given notice to Bankers Trust (the Building Landlord) that some space be set aside on the ground floor to maintain their presence. This further reduces the council's space on the ground floor. Subsequent discussions have resulted in the reduction of approximately 80m² on the Elizabeth Street entry side. The effect is the loss of two meeting rooms, operationally, this can be overcome but precludes the scenario indicated in layouts "A" and "B".

Recommendation:

That the Council Chambers remain at Erskineville Town Hall, No. 104 Erskineville Road, Erskineville, for the Term of the Lease at No. 280 Elizabeth Street, Surry Hills.

It was moved by Councillor Fenton, seconded by Councillor Fowler, that the motion be 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 for a more precise layout for a Council Chamber at No. 280 Elizabeth Street, Surry Hills, and a report on cost of travelling time for Executive staff to the current Council Chamber at Erskineville Town Hall.

Amendment Negatived.

Motion carried.

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

MINUTE BY THE GENERAL MANAGER

25 May 1999

COMMUNICATIONS - TELEPHONE - CALL CENTRE - DEFERMENT OF ESTABLISHMENT (2017120)

Council at its meeting of 9 December, 1998 resolved to establish a Call Centre within Council's Administration Building. The Centre was proposed to improve the level of telephone service provided to Council's customers. It was also intended to facilitate a better method of managing requests for action by constituents.

Unfortunately the incidence of storm damage has necessitated a move by Council to new premises and in view of the logistical problems involved it is proposed that the Call Centre be deferred for 12 months. Its installation to be considered in Council's 2000/2001 budget.

Recommendation:

That Council defer the installation of a Call Centre for a period of 12 months. Its installation to be considered in Council's 2000/2001 budget.

J. W. Bourke (SGD)
General Manager

At the request of Councillor Harcourt and by consent, the motion was amended by the deletion of the above recommendation and the insertion in lieu thereof, of the following new recommendation, namely:-

That the installation of a Telephone Call Centre be deferred until Council has a permanent Administration Building and also a report be prepared on the needs of a Telephone Call Centre and use in the new building.

Amendment Carried.

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

- (B) That a further report be prepared on the design needs of a Administration Call Centre and its use in the proposed new Administration Building.

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

MINUTE BY THE GENERAL MANAGER

20 May 1999

COMMITTEES - COUNCILLORS - PAYMENT OF MAYOR/COUNCILLORS FEES FOR 1999/2000 PERIOD (2004430)

Council on 13 May 1998, resolved to accept the maximum fee determined by the Local Government Remuneration Tribunal for the period 1 July 1998 to 30 June 1999, as set out hereunder:-

Councillor/Member Annual Fee	\$13,150
Mayor/Chairperson	\$31,500

The Local Government Remuneration Tribunal pursuant to Section 241 of the Local Government Act, 1993 has now made a determination under Section 234 with respect to the annual remuneration fees payable to Mayors/Councillors of Local Councils for the period from 1 July 1999 to 30 June 2000.

Under the determinations of the Tribunal, South Sydney Council has been ranked in Category 1, along with 17 other Councils.

The fees allocated for Category 1 Councils for the 1999/2000 period are as follows, namely:-

	Minimum	Maximum
Councillor/Member Annual Fees	\$ 7,500	\$14,000
Mayor/Chairperson	\$15,000	\$35,000

(The Mayor/Chairperson also must be paid the additional fee for Councillor/Member.)

In keeping with Section 248 of the Local Government Act, a Council must pay each Councillor an annual fee in accordance with the Tribunal determination.

Council must pay the same fee for each Councillor.

A Council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

Funds have been provided for the Mayor and Councillors fees in the 1999/2000 Estimates.

The question of the fixing of annual fees for the Mayor and Councillors for the period from 1 July 1999 to 30 June 2000, is submitted for the determination of Council.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Waters, seconded by Councillor Macken:-

That Council accepts the maximum fee as determined by the Local Government Remuneration Tribunal as follows, namely:-

Councillor/Member Annual Fees	\$14,000
Mayor/Chairperson	\$35,000

(The Mayor/Chairperson also must be paid the additional fee for Councillor/Member.)

-for which funds are available in the 1999/2000 Revenue Estimates.

Carried.

PETITIONS

1.

The Mayor tabled a petition received by the General Manager with approximately 69 signatures appended from residents objecting to the proposed footway licence outside "La-Buvette" at Nos. 65 - 65b Macleay Street, Potts Point.

Received.

2.

The Mayor tabled a petition received by the General Manager with approximately 68 signatures appended from residents of Raleigh Park, Kensington, residential building objecting to the visual pollution caused by all

night lighting at the Supacenta and brightly lit signage on the Schindler Lift Tower.

Received.

3.

Councillor Fenton tabled a petition with five signatures appended from residents of No. 38 Victoria Street, Potts Point, regarding the future of the property and alterations to the premises.

Received.

QUESTIONS WITHOUT NOTICE

1.

CARILLON AVENUE, NO.90, NEWTOWN - DEMOLITION - RELOCATION OF WILDLIFE - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (U99-00320)

Question:

I have been given a fax in relation to the demolition which is to take place at No. 90 Carillon Avenue, Newtown. It is in regards to the impact on the wildlife in that area. There are a number of possums there and I was wondering if I could have a report on what action can be taken to have the wildlife relocated?

Answer by the Mayor:

I am waiting on that report and when I have it, I will have it placed in the Councillors Information Service.

2.

PARKING - HENDERSON ROAD AND GORDON STREET, ALEXANDRIA - ILLEGAL PARKING - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (5274955)

Question to Director of Public Works and Services:

Residents of Henderson Road and Gordon Street have made representations to me with regard to the change in parking conditions around the newly constructed Ambulance Station on the Australian Technology Park.

Between 70 - 100 cars belonging to employees of the Ambulance Station park in the residential streets. The Ambulance Station charges a parking fee to their employees.

I believe there are other government facilities due to commence that will exacerbate the problem.

Could the Director investigate and refer this matter to the Traffic Committee?

Answer by the Mayor:

I will ask the Director of Public Works and Services to refer that matter to the next Traffic Committee.

3.

TRAFFIC - CORNER COLLINS AND BOURKE STREETS, AND CORNER OF HUNTLEY AND BOURKE STREETS, ALEXANDRIA - INVESTIGATION INTO TRAFFIC CHAOS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2003147)

Question to the Director of Public Works and Services:

Could the Director investigate the traffic chaos at the junctions of Collins Street and Bourke Street and Huntley Street and Bourke Street?

Answer by the Mayor:

I will ask the Director of Public Works and Services to refer that matter to the Traffic Committee for consideration.

4.

PARKS - CLEANING AND REPAIR OF FACILITIES IN PARK ADJACENT TO CLEVELAND STREET HIGH SCHOOL - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (P52-00023)

Question:

Can Council staff clean and repair the volleyball court in the park adjacent to a part of Cleveland Street High School's campus which has 200 students, a third of whom are residents of this City or Sydney City? The non use of the volleyball court, the indoor facilities and a basketball court is a waste of community facilities.

Could this Council use its staff to clear these facilities, although normally under the Sydney City Council, to provide some recreation facilities to the school and community?

Answer by the Mayor:

I will ask the Director of Public Works and Services to consult with an officer of the Sydney City Council to see if we can come to some sort of agreement on this level. If not, I will take the matter up with the Lord Mayor.

5. **OXFORD STREET, NOS.112-114 DARLINGHURST - REPAIR TO WINDOWS AND SASHES AND REMOVAL OF SIGNAGE ON FACADE - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (P56-00377)**

Question:

As the 1st and 2nd storey of Nos. 112 - 114 Oxford Street are vacant, could staff repair as a matter of urgency, windows and sashes and remove signage on the façade?

Answer by the Mayor:

I will ask the Director of Corporate Services to treat that matter with some urgency and have a report prepared for the Councillors Information Service in relation to when the work is complete.

6. **CLEANING - REPAIR OF BROKEN GARBAGE BINS FROM HAIL STORM - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (C56-00050)**

Question:

Many garbage lids were smashed in the storm. Could Council's Media prepare a release to provide solutions available to residents, such as the possible purchase of such items?

Answer by the Mayor:

I will ask the Council's Media Manager to liaise with the Director of Public Works and Services and have a Media Release prepared for the residents.

7. **FLINDERS STREET, NOS. 88-102, DARLINGHURST - INVESTIGATION INTO ILLEGAL WORKS - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (U96-01105)**

Question:

Could the matter of illegal works on Nos. 88 - 110 Flinders Street, No. 96 South Dowling Street, Paddington and the Cleveland Street properties under the same ownership be placed on the next Legal Committee agenda?

Answer by the Mayor:

I will ask the General Manager to have those matters placed on the agenda for you.

8.

STREETS - STREET LIGHTING IN SURRY HILLS - TAYLOR SQUARE - DELAYS IN REPAIR OF FAULTY LIGHTING - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (D019901)

Question:

Recent blackouts of street lighting in Surry Hills and around Taylor Square have taken from two to eight days to be made functional.

Could the General Manager enquire as to the reasons for delays in addressing failed street lighting?

Answer by the Mayor:

I will ask the Director of Public Works and Services to take that matter up for you. The Council does have a contact at Energy Australia and I will have a report prepared for the Councillors Information Service this Friday.

9.

PUBLIC RELATIONS - RELOCATION OF OLYMPIC CYCLING TRACK FROM CENTENNIAL PARK TO BANKSTOWN - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2006760)

Question:

Could this Council join Waverley and Randwick Councils in their protest at having the Olympic Cycling Track relocated to the Bankstown area? At the Olympic Mayors' Meeting this afternoon, this matter was discussed and the final decision has not been made.

Answer by the Mayor:

I have not heard any of our residents complaining. If a petition was given to this Council with overwhelming support from the residents, then we would consider supporting Waverley and Woollahra Councils.

REPORT OF THE FINANCE COMMITTEE**19 May 1999****PRESENT****Councillor Sean Macken (Chairperson)****Councillors - Margaret Deftereos, Sonia Fenton**

At the commencement of business at 6.37 p.m. those present were: -

Councillors: Deftereos, Fenton and Macken

Apology:

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

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

That the Report of the Finance Committee of its meeting of 19 May 1999, be received and the recommendation set out below for Items 1 to 7, inclusive, 9, 11 to 22, inclusive, 26, 28 to 32, inclusive and 34, be adopted. The recommendations for Items 8, 10, 23 to 25, inclusive, 27 and 33 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1. LEASING – RUSHCUTTERS BAY TENNIS COURTS – RORY MILES PTY LTD – APPLICATION FOR ABATEMENT OF RENT (L02-00173)

That approval be given to Rory Miles Pty Ltd being offered an abatement of rent of \$8,280 in connection with his lease of Rushcutters Bay Tennis Courts whilst improvements were being carried out to the courts, subject to the lessee signing a Form of Release, to be prepared by Council's Legal Officer.

(DCS Report 6.5.99)

Carried.

2.

**LEASING – HEFFRON HALL, DARLINGHURST (DOWNSTAIRS SECTION)
RENEWAL OF LEASE TO D4 FAMILY SUPPORT SERVICE (C57-00010)**

That the matter be deferred to the next Finance Committee Meeting to be held on 2 June 1999.

Carried.

3.

**LEASING – EXISTING BUILDING (WATERLOO OVAL) CNR ELIZABETH
AND ALLEN STREETS, WATERLOO – APPLICATION BY SOUTH SYDNEY
YOUTH SERVICES TO LEASE (2020375)**

That the matter be deferred to the next Finance Committee Meeting to be held on 2 June 1999.

Carried.

4.

**LEASING – PART WATERLOO TOWN HALL – ROOMS AT REAR OF NO.
770 ELIZABETH STREET, WATERLOO – APPLICATION FOR TERM LEASE
BY INNER CITY REGIONAL COUNCIL FOR SOCIAL DEVELOPMENT CO-
OP LTD (2016507)**

That the matter be deferred to the next Finance Committee Meeting to be held on 2 June 1999.

Carried.

5.

**LEASING – HEFFRON HALL, DARLINGHURST (UPSTAIRS SECTION) –
RENEWAL OF LEASE TO METROPOLITAN COMMUNITY CHURCH
(P56-00383)**

That the matter be deferred to the next Finance Committee Meeting to be held on 2 June 1999.

Carried.

**6. DEVELOPMENT – PADDINGTON RESERVOIR – "IDEAS COMPETITION"-
QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2001093)**

That the report by the Director of Public Works and Services dated 7 May 1999, outlining the situation in regard to the future use and development of the Paddington Reservoir site, be received and noted.

Carried.

**7. DONATIONS – ST. MARY’S CATHEDRAL FLOWER FESTIVAL - COUNCIL
PARTICIPATION (2020738)**

That approval be given for Council to participate in the St. Mary's Cathedral Flower Festival to be held from 3 to 6 September 1999, by providing a floral display to the value of \$250, funds for which will be allocated against the 1999-2000 Parks Branch Budget (FBA.55FO).

(DPWS Report 6.5.99)

Carried.

**8. LICENSING – VICTORIA STREET, NO. 360, DARLINGHURST – PROPOSED
FOOTWAY LICENCE (2020393)**

That approval be given to:-

- (1) the granting of a licence to Rotomat Pty Ltd (ACN 001 837 636) and Barbru Pty Ltd (ACN 003 210 884) over an area of 13.8 square metres of the footway of Victoria Street adjacent to The Green Park Hotel at No. 360 Victoria Street, Darlinghurst, as shown stippled on Plan No. S4-130/732B and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of five years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions (7) and (8) accompanying the Director's report, the licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;

- (5) the Licensee paying Council's legal costs and disbursements incidental of the preparation, execution and stamping of the licence agreement;
- (6) the approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions (7) and (8), accompanying the Director's report or failed to execute the licence agreement.

(DPWS Report 29.4.99)

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

- (A)(1) the granting of a licence to Rotomat Pty Ltd (ACN 001 837 636) and Barbru Pty Ltd (ACN 003 210 884) over an area of 13.8 square metres of the footway of Victoria Street adjacent to The Green Park Hotel at No. 360 Victoria Street, Darlinghurst, as shown stippled on Plan No. S4-130/732B and subject to the conditions in the schedule accompanying the Director's report;
 - (2) the licence being for a period of five years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
 - (3) the licence commencing only following the satisfactory compliance with conditions (7) and (8) accompanying the Director's report, the licensee executing the licence agreement, and the issuing of written permission to occupy the site;
 - (4) the execution of all relevant documents and plans by Council's Attorney;
 - (5) the Licensee paying Council's legal costs and disbursements incidental of the preparation, execution and stamping of the licence agreement;
 - (6) the approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance required by Conditions (7) and (8), accompanying the Director's report or failed to execute the licence agreement.
- (B) That the approval hours of operation are 10.00 a.m. to 11.00 p.m. 7 days a week and will be reviewed after a six month trial period.

- (C) That the advice of Council's Solicitor being sought about the implications of changes to the Liquor Licensing Act or other Acts relating to drinking in restaurants without dining, relative to footway restaurants under the Roads Act, 1993.

(DPWS Report 20.5.99)

Motion, as amended by consent, carried.

9.

PROPERTIES - REDFERN TOWN HALL - REQUEST FOR FREE USE - RED-FERN LEGAL CENTRE (5209308)

That arising from consideration of a report by the Director of Corporate Services dated 30 March 1999, it be resolved that Council support the Redfern Legal Centre by foregoing \$140 in income and meet the expenses of \$200 per meeting on 3 August and 23 November 1999, which will allow free use of Redfern Town Hall on the above dates for the purpose of conducting meetings.

Carried.

10.

LICENSING – OXFORD STREET, SHOP 1, NOS. 1-11, PADDINGTON – PROPOSED FOOTWAY LICENCE (2019966)

This matter was submitted to Council without recommendation.

Moved by Councillor Fowler, seconded by Councillor Deftereos:-

That the application for a proposed footway licence at the above premises, be refused.

Carried.

11.

ADMINISTRATION – CODE OF CONDUCT – REVIEW (5076501)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Waters:-

That the matter be deferred and that an advising be sought from Council's Solicitors in respect of the Code of Conduct for the next Finance Committee Meeting to be held on 2 June 1999.

Carried.

12.

**DONATIONS –QUARTERLY REPORT – JANUARY TO APRIL 1999
(2003030)**

That approval be given under the provisions of Section 356 of the Local Government Act, 1993, to donations in the form of plants and landscape materials to the value of \$1,000 to the various local bodies as detailed in the report for the 3 month period ending 30 April 1999, and that the expenditure involved be added to the 1998/99 Revenue Estimates Account Code LFN.

(DPWS Report 30.4.99)

Carried.

13.

**FINANCE – ACCOUNTS –SCHEDULE OF PAYMENTS – MARCH 1999
(2020713)**

That arising from consideration of a report by the Director of Finance dated 11 May 1999, approval be given to the confirmation of the payment of the accounts totalling \$12,645,919.94 as detailed in the Summary of Warrants for the month of March, accompanying the report.

Carried.

14.

ADMINISTRATION – ONE STOP SHOP - CUSTOMER SATISFACTION SURVEY (2017199)

That Council receives and notes the Customer Satisfaction Survey embodied in the report by the Director of Corporate Services dated 14 April 1999, and resolves to continue with the current Saturday morning service provided at the One Stop Shop.

Carried.

15.

PERSONNEL – INTERNAL CULTURAL ASSESSMENT – STAFF FEEDBACK (5263043)

That arising from consideration of a report by the Director of Organisational Development dated 13 May 1999, approval be given to the draft report being forwarded to the next meeting of the JCC set for Tuesday, 1 June 1999, for discussion and input.

Carried.

16.

PARKING – PARKING STUDY – KING STREET, NEWTOWN (2019990)

That approval be given to the transfer of funds in the amount of \$20,000, from FBT.66AO (Sydney Park - Consultants Fees) to CBA.66AO (Traffic & Design - Consultants Fees) to enable the Parking Study for City Road and King Street Newtown to be undertaken by consultants.

(DPWS Report 13.5.99)

Carried.

17.

CONFERENCES – PLANNING – NATIONAL CONGRESS OF THE ROYAL AUSTRALIAN PLANNING INSTITUTE – DARWIN, NORTHERN TERRITORY – 19 – 23 SEPTEMBER 1999 – ATTENDANCE OF COUNCIL'S REPRESENTATIVES (2021320)

That Council send a representative of the Planning and Building Department and interested Councillors to the 1999 RAPI Conference to be held in Darwin, Northern Territory, from 19 - 23 September 1999, at an approximate cost of \$2,500 per delegate, funds for which are available in the 1998/99 Revenue Estimates (77RO and EBE).

(DPB Report 14.5.99)

Carried.

18.

DONATIONS – KINGS CROSS TOURISM – FEAST OF SYDNEY – REQUEST FOR FINANCIAL ASSISTANCE (2020501)

That the application for financial assistance by Kings Cross Tourism towards the Feast of Sydney as detailed in the report, be refused.

Carried.

19.

LEASING – FRANCIS LANE, DARLINGHURST – PROPOSED LEASE OF PART (2020149)

That approval be given for advertising action to be taken for the proposed lease of part of Francis Lane adjoining No. 20 and No. 22 Francis Street, Darlinghurst, as shown on Plan No. S4-130/735 in accordance with the revised policy for the proposed closure and sale of lease of laneways and sale of Council land as adopted by Council on 12 June 1996.

(DPWS Report 14.5.99)

Carried.

20.

DONATIONS – RESIDENTS FOR RECONCILIATION – 1999 “SORRY DAY” EVENT - REQUEST FOR FINANCIAL ASSISTANCE (2017150)

That arising from consideration of a report by the Director of Health and Community Services dated 17 May 1999, Council approve a donation of \$1,000 to the Residents for Reconciliation for a "Sorry Day" event to be held in May, 1999, with funds to cover this expenditure available in the 1998/99 H&CS Budget.

Carried.

21.

COMMUNITY FACILITIES – ABORIGINAL THEATRE PROJECT WORKSHOPS – REQUEST FOR FINANCIAL ASSISTANCE (C59-00006)

That arising from consideration of a report by the Director of Health and Community Services dated 14 May 1999, Council approve the expenditure of \$8,094 to fund theatre performance workshops to be conducted by Shady Players Aboriginal Theatre Troupe, for which there are sufficient funds available in the Health and Community Services 1998/99 Budget.

Carried.

22.

DONATIONS – NSW POLICE SERVICE DRUG PROGRAMS COORDINATION UNIT – REDFERN TOWN HALL – REQUEST FOR FREE USE – 26 MAY 1999 (2003711)

That Council grants confirmatory approval to the NSW Police Service by foregoing \$140 in income and expenses of \$200, which will allow NSW Police

Service free use of Redfern Town Hall on 26 May 1999, to conduct a Committee Meeting.

(DCS Report 11.5.99)

Carried.

23.

LEASING – VACANT COMMERCIAL AND RESIDENTIAL PROPERTIES – QUARTERLY REPORT – MANAGEMENT PLAN (P56-00356)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

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

(DCS Report 12.5.99)

Carried.

24.

LEASING – PART REDFERN TOWN HALL – REDFERN LEGAL CENTRE – APPLICATION FOR FINANCIAL ASSISTANCE FOR RELOCATION COSTS BACK TO REDFERN TOWN HALL (2001064)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That for the reasons set out in the report by the Director of Corporate Services dated 14 May 1999, approval be given for a donation of \$12,215 to the Redfern Legal Centre for re-location costs from No. 195 George Street, Redfern, back to Redfern Town Hall.

(DCS Report 14.5.99)

Carried.

25.

STREETS – WILLIAM STREET AND DARLINGHURST ROAD, POTTS POINT – PROPOSED CLOSURE AND SALE OF PARTS (2020585)

- (A) That approval be given for advertising and action to be taken for the proposed closure and sale of part of William Street and Darlinghurst Road, Potts Point adjacent to No. 248 William Street Potts Point as shown stippled on Plan No. S6-325/160 in accordance with the revised Policy for the proposed closure and sale or lease of laneways and sale of vacant Council owned land as adopted by Council on 12 June 1996.

(DPWS Report 14.5.99)

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 the funds received in respect of the sale of the respective portions of the above locations, be designated towards the William Street Improvement Program, and also that a further report on Section 94 Contributions be prepared in respect of the Elan, Elite and Horizons Buildings detailing how much monies has been collected for these sites and the subsequent allocation of funds.

Motion, as amended by consent, carried.

26.

LEASING – OUTSTANDING RENT AND LEASE PAYMENTS – QUARTERLY REPORT ENDING 31 MARCH 1999 – MANAGEMENT PLAN (2006684)

That the report by the Director of Corporate Services dated 12 May 1999, submitting the Quarterly Report of all outstanding rents and lease payments for the three month period ending 31 March, 1999, be received and noted.

Carried.

27.

LICENSING – FLINDERS STREET NO. 162, PADDINGTON – FOOTWAY LICENCE – REQUEST FOR RENTAL ABATEMENT (2002552)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That the matter be deferred for the submission of a further report in respect of work that is being carried out not by Council, but by Agencies/Statutory Authorities and how Proprietors claim rental rebates from those Organisations.

Carried.

28.

PROPERTIES – ELIZABETH STREET, NO.280, SURRY HILLS – FRINGE BENEFITS TAX – COST ASSOCIATED WITH RELOCATION TO PREMISES (2020750)

That the report by the Director of Finance dated 17 May 1999, regarding costs associated with relocation to premises, be received and noted.

Carried.

29.

PUBLIC RELATIONS – SYDNEY CITY COUNCIL – MILLENNIUM NEW YEARS EVE CELEBRATIONS – REQUEST FOR FINANCIAL ASSISTANCE TOWARDS FIREWORKS DISPLAY

That Council refuse to provide assistance to Sydney City Council towards the cost of expanding the Millennium New Year's Eve Fireworks or to sponsoring the "Harbour of Light" lantern parade.

(CAM/PO Report 19.5.99)

Carried.

30.

CELEBRATIONS – INAUGURAL REDFERN TENANTS SERVICES INFORMATION AND SURVIVAL DAY – REQUEST FOR ASSISTANCE TOWARDS FESTIVITIES

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

That Council provide emergency assistance to the Inner City Regional Council for Social Development Co-op Ltd with the Organisation of the Inaugural Redfern Tenants Services Information and Survival Day on Saturday, 5 June 1999, by providing in-kind assistance with an advertising banner, 3 BBQ's with gas cylinders, 2 food preparation tents, labour and a donation of \$1,655, under Section 356 of the Local Government Act (1993), towards equipment hire

(chairs, tables and fete stalls), entertainment and food and that funds be voted accordingly.

(CAM/PO Report 19.5.99)

Carried.

31.

**DONATIONS – NSW POLICE SERVICE – REDFERN TOWN HALL
REQUEST FOR FREE USE - 1 JUNE 1999 (2003711)**

That arising from consideration of a report by the Director of Corporate Services dated 18 May 1999, it be resolved that Council support the NSW Police Service by foregoing \$140 in income and meet the expenses of \$200, which will allow the NSW Police Service free use of Redfern Town Hall on Tuesday, 1 June 1999, to conduct an "Armed Hold Up" seminar.

Carried.

32.

**DONATIONS – REDFERN LEGAL CENTRE – REDFERN TOWN HALL –
REQUEST FOR FREE USE – 13 MAY 1999 (5209308)**

That confirmatory approval be given to Redfern Legal Centre using Redfern Town Hall on 13 May 1999, to conduct a meeting and that Council forego \$140 in income and \$200 in expenses.

(DCS Report 19.5.99)

Carried.

33.

**DONATIONS – PADDINGTON TOWN HALL – STUDENTS FOR A FREE
TIBET/AUSTRALIA TIBET COUNCIL – REQUEST FOR FREE USE 14 JUNE
1999 (2003711)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Waters:-

That arising from consideration of a report by the Director of Corporate Services dated 19 May 1999, it be resolved that Council support Students for a Free Tibet & Australia Tibet Council by foregoing \$4,100 in income, subject to the Organisation contributing \$1,000 towards hiring charges and meeting expenses of the Hall in the amount of \$1,084, which will allow Students for a

Free Tibet & Australia Tibet Council free use of Paddington Town Hall on Monday, 14 June 1999, to conduct a public meeting.

Carried.

34.

DONATIONS – BROWN STREET HALL, NEWTOWN – HIV LIVING, A PROGRAM OF THE A.I.D.S. COUNCIL OF NSW – REQUEST FOR FREE USE – 8 JUNE 1999 (2003711)

That arising from consideration of a report by the Director of Corporate Services dated 18 May 1999, it be resolved that Council support HIV Living, a Program of the A.I.D.S. Council of NSW, by foregoing \$140 in income and meet the expenses of \$200, which will allow HIV Living free use of Brown Street Hall on Tuesday, 8 June 1999, to conduct an information workshop.

Carried.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

19 May 1999

PRESENT

Councillor Sonia Fenton Chairperson)

Councillors: Margaret Deftereos, Sean Macken

At the commencement of business at 7.54 p.m. those present were:-

Councillors: Deftereos, Fenton and Macken

Apology:

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

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

That the Report of the Community Services Committee of its meeting of 19 May 1999, be received and the recommendation set out below for Item 1, be adopted.

Carried.

The Committee **recommended** the following:-

1.

**COMMITTEES – ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES
– MINUTES OF MEETING HELD 13 APRIL 1999 (2017377)**

That Council encourages active liaison between Councillors, appropriate staff members and Access Committee members, with regards to the determination of access related issues, i.e., attendance at meetings, discussions re: transport issues, placement of street furniture, the adoption of policies and codes, etc.

(DHCS Report 10.5.99)

Carried.

The Community Services Committee Meeting terminated at 7.57 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

19 May 1999

PRESENT

The Mayor, Councillor Vic Smith (Chairperson)

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

At the commencement of business at 6.41 p.m., those present were -

The Mayor and Councillors - John Bush, John Fowler, Christine Harcourt,
Jill Lay

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

That the Report of the Planning and Development Committee of its meeting of 19 May 1999, be received and the recommendations set out below for Items 1 to 4, inclusive, 8, 12, 16, 20, 23 and 24, be adopted. The recommendations

for Items 5 to 7, inclusive, 9 to 11, inclusive, 13 to 15, inclusive, 17 to 19, inclusive, 21, 22, 25 and 26 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

IVY STREET, NOS. 74 - 80, DARLINGTON - RESIDENTIAL FLAT BUILDING SECTION 96 APPLICATION - DEVELOPMENT APPLICATION (U96-01123)

- (A) That pursuant to Section 96 of the Environmental Planning and Assessment Act and Regulations, Council as the responsible authority refuses the application on the grounds that:-
- (1) the proposed modification does not comply with the requirements of Council's DCP in respect to height and FSR;
 - (2) the scale and setting of the proposed external extension is not appropriate within the surrounding context;
 - (3) the proposed external extension is an overdevelopment of the site that will reduce the visual amenity of the surrounding area;
 - (4) the proposal is not in the public interest.
- (B) That the persons who made representations with respect to the proposal be advised of Council's decision.

Carried.

2.

TURNER STREET, NOS. 52 - 54, REDFERN - DEMOLISH EXISTING BUILDING AND ERECT 21 RESIDENTIAL UNITS - DEVELOPMENT APPLICATION (U98-00228)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Kimi Associates Architects, with the authority of Modern Pleaters Pty Ltd, for permission to demolish the existing building and erect a new building containing 21 residential units and parking for 11 cars at the abovementioned premises, for the following reasons, namely:-
- (1) That the development substantially exceeds the maximum floor space permitted under DCP 1997 without adequate justification;
 - (2) That the development substantially exceeds the maximum height permitted under DCP 1997 without adequate justification;

- (3) That the development does not provide suitable quality communal or private open space in accordance with the requirements of DCP 1997;
 - (4) That the development does not provide safe and practical off street car parking or bicycle parking, contrary to the requirements of DCP 11;
 - (5) That the development would result in unreasonable loss of privacy and overshadowing of adjacent properties contrary to DCP 1997;
 - (6) That the development is not compatible with the character, scale and form of Turner Street and does not respect the adjoining draft Item of Environmental Heritage to the east, contrary to DCP 1997 and Draft Heritage LEP 1996;
 - (7) That the development does not provide a satisfactory relationship with the properties to the north, contrary to DCP 1997;
 - (8) The proposal constitutes overdevelopment of the site; and
 - (9) That approval of the development would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

3.

VICTORIA STREET, NO. 38, POTTS POINT - DEMOLISH EXISTING COTTAGE AND ERECT FOUR LEVEL SINGLE DWELLING - DEVELOPMENT APPLICATION (U98-00954)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Murray Clinton with the authority of Ms H Fink (owner) for permission to demolish the existing dwelling on the site and erect a four level single dwelling at the abovementioned premises, for the following reasons, namely:-
- (1) That the proposal is inconsistent with the provisions of Development Control Plan 1997- Urban Design, particularly with regard to the proposal's bulk and scale, and facade treatment;
 - (2) That the proposal will have an adverse impact on the heritage significance of the surrounding area;
 - (3) That the proposal will have an adverse impact on the streetscape significance of the area and is inconsistent with

Council's urban design objectives contained in Development Control Plan 1997 and Clause 28 of Local Environmental Plan 1998;

- (4) That the weatherboard cottage is considered to have substantial local and regional social, cultural, and aesthetic significance and the proposed demolition is not supported;
 - (5) That the proposal will have adverse amenity impacts on surrounding properties, particularly, solar access, privacy and outlook impacts;
 - (6) That the proposal would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

4.

ADELAIDE STREET, NO. 30, SURRY HILLS - NEW ONE BEDROOM DWELLING - DEVELOPMENT APPLICATION (U99-00096)

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the application submitted by Engelen Moore with the authority of Mr A Davies, to erect a two storey, one bedroom dwelling house, 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 \$3,000 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 \$400 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 9839-01-0-01, 02-0-01, 03-0-01, 04-0-01 dated 27 January, 1999, stamped "approved" as amended by

conditions of this consent with such amendments being indicated in red on the approved plans;

- (4) That the building shall be set back from the street alignment with Adelaide Street to match the first floor external walls of the adjoining terrace houses. The entrance to the dwelling shall be architecturally highlighted and an appropriate fence provided along the Adelaide Street frontage. Details to be submitted with the Construction Certificate;
- (5) That the development shall include solar water heating or heat pumps throughout, in accordance with the Solar Water Heater Policy contained within Development Control Plan 1997 - Urban Design. In this respect full details of proposed energy conservation measures be included with the Construction Certificate;
- (6) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$267	2E97003.BGY0
Open Space: New Parks	\$1,351	2E97009.BGY0
Accessibility And Transport	\$8	2E97006.BGY0
Management	\$22	2E97007.BGY0
Multi Function Administration Centre	\$399	
Total	\$2,047	

The above payments, with the exception of the land acquisition component of New Parks and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual valuations.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI2}}{\text{PI1}}$$

where:

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

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 1998/99.

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 approved building plans / before the release of the construction certificate / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

Note: 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. Endorsed DA and construction plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

Part B

Applications for the payment of contributions by carrying out works which are identified in the Section 94 Contributions Plan will be considered on their merits.

To support the 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.

Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Details submitted after the lodgement of the Building Application may not be approved in time to allow the work to be carried out concurrent with the main project. Approved Works will only be off-set against the same category of works.

Unless otherwise agreed, security in the form of an unconditional bank guarantee for the full contribution amount must be lodged with Council and will be held until the approved works have been certified as complete to the satisfaction of Council. For substantial works, Council may, at its discretion, hold the bank guarantee, or part thereof, until the elapse of a minimum defects liability period of at least twelve months after the practical completion of the works. Works to be carried out on public land will also require proof of public liability insurance.

Council also reserves the right to require the future management of the completed work to be formally agreed prior to acceptance.

Note: Works carried out without written approval by Council, in the form of a letter referring to detailed specifications and costs, will not be off-set against Section 94 Contributions and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement;

- (7) That the roof terrace shall include planter boxes on the northern side or other suitable measures to prevent access from an area within a minimum of one metre from the northern edge of the terrace. Details to be submitted with the Construction Certificate;
- (8) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
 - (a) external finishes to walls;
 - (b) roofing;
 - (c) balcony treatment;
 - (d) proposed fences;
 - (e) windows and doors;

-and such materials shall respect and be consistent with the attributes and character of the surrounding area;
- (9) That the proposed brickwork shall match the existing brickwork, to be detailed with the application for a Construction Certificate;
- (10) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2 and Council's Ventilation Code;
- (11) 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;
- (12) 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;
- (13) 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);

- (14) That the developer shall make an application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works, prior to work commencing (Warning – To ensure that future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (15) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (16) 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;
- (17) 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;
- (18) 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;
- (19) 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;
- (20) 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);
- (21) 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);

- (22) That all proposed work shall be wholly within the boundaries of the site;
- (23) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (24) That all relevant sections of the BCA shall be complied with;
- (25) 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;
- (26) 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.

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 all persons who made representations in respect of the proposal be advised of council's decision.

Carried.

5.

TWEEDMOUTH AVENUE, NO. 100, ROSEBERY - AMENDMENT TO DEVELOPMENT APPLICATION TO ERECT NEW DWELLING (U97-00894)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council grants its consent to the application under Section 96 of the Environmental Planning and Assessment (Amendment) Act 1997 to modify the development consent U97-00894 for demolition of existing dwelling and construction of new 3 bedroom residence with attic,

previously granted consent on 2 December 1997, submitted by Col Tillyer Architect & Associates, but only to provide for the following:-

- (a) deletion of the following conditions:-
 - (1) That the development shall be generally in accordance with plans RB 9705- 001A & 002A dated August 1997 and held in Council file U97-00894;
 - (5) That the window shown in the front roof of the gable end shall be deleted and replaced with a single elongated window vertically proportioned and positioned on the centre line of the gable end's roof pitch, details to be submitted to the Director of Planning and Building;
 - (6) That the dormer windows shown on both sides of the roof plane shall be lowered to set the sill of the dormer windows at a height of 1.2m above the floor;
- (b) insertion in lieu thereof of the following new conditions:-
 - (1) That the development shall be generally in accordance with plans RB 9705-002C dated February 1999 as amended by the conditions below;
 - (5) That the rear balcony's balustrade shall be relocated so as to comply with condition (7) of the consent granted on 2 December 1997;
 - (6) That the dormer window on the western elevation shall be generally in accordance with Plan No. 9705-002B and the dormer window on the eastern elevation shall be generally in accordance with the bottom drawing on the sheet titled "Comparative Elevs Dormer Windows" dated 21 May 1999 submitted to Council on 24 May 1999;
 - (27) That the top half of each of the windows on the western ground floor elevation shall be translucent / frosted glazing or treated with a translucent/ frosted treatment;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council write to the owner advising that Council requires and expects construction work to be carried out strictly in accordance with the approved plans and that in the event that any further work is carried out without approval, Council will commence prosecution action.

Carried.

6.

SYDNEY STREET, NO. 9, ERSKINEVILLE - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING - DEVELOPMENT APPLICATION (U98-01189)

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by Mr P Panson to make alterations and additions to the existing dwelling, including a first floor addition at the abovementioned premises, subject to conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$194.00, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (3) That the development shall be generally in accordance with plans numbered D.01C and D.02C dated 12 October 1998;
 - (4) That the first floor rear deck shall be deleted and the folding doors replaced with one or two vertically proportioned windows or doors;
 - (5) That the ceiling height (and thereby the overall height) in the first floor rear bedroom shall be reduced by 300mm;
 - (6) That a solar water heater shall be provided in accordance with the requirements of DCP 1997 and details shall be submitted a construction certificate;
 - (7) 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:
 - (i) external finishes to walls;
 - (ii) roofing;

- (iii) balcony treatment;
- (iv) proposed fences;
- (v) windows and doors;

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

- (8) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2 and Council's Ventilation Code;
- (9) That noise and vibration from the use and operation of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act, 1975;
- (10) That 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;
- (11) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (12) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (13) That 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;
- (14) That 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:
 - (a) Construction periods of 4 weeks and under:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.

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

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) 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:

- (i) Mondays to Fridays, 7.00am to 5.00pm
- (ii) Saturdays, 7.00am to 3.00pm

-no construction work outside of the above hours is permissible without the prior approval of Council;

- (15) That all proposed work shall be wholly within the boundaries of the site;
- (16) That the premises, in particular internal rooms not provided with natural ventilation complying with the requirements of Part 3.8.5 of the Building Code of Australia, shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (17) That design, installation, operation and performance of the new and alterations to existing mechanical ventilation systems shall:
 - (a) provide to each enclosure ventilated by mechanical means indoor air quality suitable for the health and safety of occupants therein;
 - (b) not adversely affect performance of the building under fire conditions or the ventilation performance of the existing systems approved by Council;
 - (c) be in accordance with the Building Code of Australia, AS 1668.1 and 2, 1991 and Council's Ventilation Code;
- (18) 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);

- (19) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (20) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (21) That a certificate shall be submitted from a registered certifier 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";
- (22) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (23) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;
- (24) 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);
- (25) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (26) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (27) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (28) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;

- (29) That where a structural member is subject to attack by subterranean termites provision shall be made for:-
- (a) Physical barriers in accordance with AS 1694;
 - (b) Soil treatment in accordance with B1.3 of the BCA and AS 2057;
- (30) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (31) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (32) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (33) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
- (34) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (35) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (36) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (37) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
- (38) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties.

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.

At the request of Councillor Lay, and by consent, the motion was amended by the deletion of condition (4) of the recommendation and the insertion in lieu thereof of a new condition (4), namely:-

- (4) That the proposed rear first floor balcony shall be modified in accordance with unnumbered and undated sketches submitted on 16 May 1999 and held on Council's file showing the balcony recessed 525mm with timber screens.

Motion, as amended by consent, carried.

7.

EGAN STREET, NOS. 5 - 11, NEWTOWN - CONVERT PART OF EXISTING PARKING AREA INTO AN ENCLOSED RECREATION AREA AND RUBBISH STORAGE AREA - DEVELOPMENT APPLICATION (U98-01216)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Excell Design Consultants, with the authority of Am & FM Pty Ltd, for permission to convert part of the existing parking area into an enclosed recreation area and rubbish storage area, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance with plans No. DA 1-5 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 \$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.
 - (3) That the use of the recreation area shall be restricted to between 7.30 a.m. and 11.00 p.m. daily and the acoustic measures recommended in the letter from Atkins Acoustics Pty Ltd dated 29 March 1999, shall be implemented as follows:
 - (a) the double glazed window sections in Egan Street façade shall be selected and installed to provide an STC 43 rating;

- (b) the bi-folding doors opening into the car park shall be 35mm solid core timber with 10mm laminated glass inserts and installed with "Raven" acoustic seals;
 - (c) access to the recreation room shall only be from the courtyard door;
 - (d) the ceiling in the recreation room shall be an absorptive acoustic type, alternatively acoustic panels could be installed on the walls of the room;
- (4) That the proposed garbage enclosure shall be relocated to the area shown on the plans as "proposed luggage storage area" within the ground floor of the building;
- (5) That the 1m wide landscaped trip along Egan Street shall be maintained at all times;
- (6) That five car spaces shall be provided on site for customers of the hostel at all times. In this regard the recreation area shall be modified to provide an additional car space;
- (7) That plans and specifications showing details of:-
- (a) all required mechanical ventilation systems;
 - (b) the garbage room;
- shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (8) That the premises, including all internal rooms not provided with natural ventilation shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (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 all proposed work shall be wholly within the boundaries of the site;
- (12) 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;
- (13) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (14) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (15) That the unobstructed height in a required exit or path of travel to an exit shall be not less than 2000mm in accordance with D1.6 of the BCA except the unobstructed height of any doorway may be reduced to not less than 1980mm;
- (16) That the discharge from exits shall comply with D1.10 of the BCA;
- (17) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (18) That exit doors shall be altered so as to open in the direction of travel and shall be recessed so as not to open over the footway and shall be readily openable without the use of keys at all times during occupancy;
- (19) That the fire doors, smoke doors and the doors leading from a fire-isolated exit to a road or open space shall be affixed with signs in accordance with D2.23 of the BCA;
- (20) That unobstructed access shall be provided and maintained at all exits at all times from tenancies and from public areas;
- (21) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;

- (22) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (23) That directional signs where necessary shall be provided in accordance with the requirements of NSW E4.6, E4.8 of the BCA and AS2293.1;
- (24) That skylights providing required natural light and ventilation to habitable rooms shall be demonstrated to comply with the provisions of Part F4 of the Building Code of Australia prior to the issue of a construction certificate;
- (25) That a garbage/recyclable materials room or garbage/recyclable materials storage area shall be provided within the site in an approved position and constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;

and the following adopted standard conditions:

- (26) Separate Application for Signs²⁰⁰¹
- (27) Obstruction of Public Way³⁰²⁹
- (28) Delivery of Construction Materials³⁰³²
- (29) Works Within Boundary⁹¹⁵²
- (30) hsc700 - Compliance with code for Garbage Handling System;
- (31) Noise⁷⁰²⁸

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.

8.

GEORGE STREET, NO. 100, ERSKINEVILLE - CHANGE OF USE OF EXISTING TERRACE HOUSE TO A BOARDING HOUSE - DEVELOPMENT APPLICATION (U98-01157)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr Gerhard Schermer for permission to convert the existing terrace to a boarding house, subject to the following conditions, namely:-
- (1) That the development of the site shall be carried out generally in accordance with the unnumbered and undated plans submitted with the application and the Statement of Environmental Effects and the Management Plan submitted with the application;
 - (2) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
 - (3) That the premises shall comply with the requirements of Schedule 1 (Standards for places of shared accommodation) of the Local Government (Orders) Regulation 1993 under the Local Government Act 1993;
 - (4) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
 - (5) 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";
 - (6) That plans and specifications showing details of all required mechanical ventilation systems shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
 - (7) That all relevant sections of the BCA shall be complied with;
 - (8) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
 - (9) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;

- (10) That good housekeeping shall be maintained at all times;
- (11) That egress paths are to be kept free of obstructions/storage at all times;
- (12) That the electrical installation serving the subject premises shall be inspected by a suitably qualified electrical contractor and certified accordingly;
- (13) The certificate shall be in the form of a typed report providing the following minimum requirements:-
 - (a) the electrical contractors licence number;
 - (b) that a visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
 - (c) that an insulation resistance test was carried out pursuant to Clause 1.5.2 of SA 3000 and was found to be satisfactory;
 - (d) that circuit protection devices used have been examined and found to be satisfactory pursuant to Clause 2.4 of SAA 3000.

-alternatively, a report from Energy Australia would satisfy the above requirements;
- (14) That all walls bounding sole occupancy units shall be non-combustible;
- (15) That the underside of all floors throughout the building be lined with one of the following materials:-
 - (a) Plasterboard;
 - (b) Perforated gypsum lath with a normal paper finish;
 - (c) Fibrous-plaster sheet conforming to AS2185 specification for fibrous plaster products;
 - (d) Fibre-reinforced cement sheeting;
 - (e) Any other material, upon formal application, that is subsequently approved by Council;
- (16) That the premises shall operate at all times as a boarding house as defined in LEP 1998.

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

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

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

Carried.

9.

FOVEAUX STREET, NO. 146, SURRY HILLS - TO USE PREMISES AS AN AUTOMOTIVE REPAIR WORKSHOP AND ERECT SIGNAGE - DEVELOPMENT APPLICATION (U99-00136)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority refuses its consent to the application submitted by DRE Design, with the authority of Ryder Holdings Pty Ltd, for permission to occupy the existing premises for the purpose of an automotive repair workshop at the abovementioned premises, for the following reasons, namely:-
- (1) That the proposal is inconsistent with the objectives of the 10 Mixed Uses Zone under South Sydney Local Environmental Plan 1998;
 - (2) That the proposal will have an adverse impact on residential amenity;
 - (3) That vehicular movements associated with the proposed use will have an adverse impact on the safe and efficient flow of traffic in Foveaux Street;
 - (4) That the proposal would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

10.

STANLEY STREET, NO. 51, DARLINGHURST - SECTION 96 AMENDMENT APPLICATION (U97-00371)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council, as the responsible authority, refuses the application submitted by Mr. Mark Camuglia to amend Development Application U97-00371, for the following reasons, namely:-

That the proposed amendment would result in significant adverse bulk-related visual impacts to adjoining dwellings and to an unacceptable increase in site-coverage on the site and approval of the proposal would not be in the public interest in the circumstances of the case.

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

Carried.

11.

VICTORIA STREET, NO. 32, ERSKINEVILLE - ALTERATIONS AND ADDITIONS TO REAR OF TERRACE - DEVELOPMENT APPLICATION (U98-01343)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Environa Design Studio, with the authority of Ms L Starratt, for permission to demolish the rear portion of the existing terrace, and carry out alterations and additions including a new two storey addition at the rear of the existing terrace at the abovementioned premises, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$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 \$360 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 Dwg No: 01-04, dated 18 December 1998, except where amended by conditions of consent;
- (4) That the first floor balcony shall be deleted from the plans and the proposed sliding glass doors replaced with one or two vertically proportioned windows or doors such that the overall glazing is reduced by 50%. Amended plans shall be submitted for approval prior to release of the Construction Certificate;
- (5) That the roof of the proposed additions shall have a corrugated profile. Details shall be submitted for approval prior to release of the Construction Certificate;
- (6) That the height of the proposed additions shall not exceed a maximum of 5.2 metres when measured from natural ground level to the underside of the ceiling on the topmost floor. Amended plans shall be submitted with the Construction Certificate;
- (7) That the proposed demolition of the adjoining chimney at No.30 Victoria Street shall be deleted from the plans submitted with the Construction Certificate;
- (8) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
 - (i) external finishes to walls;
 - (ii) roofing;
 - (iii) balcony treatment;
 - (iv) proposed fences;
 - (v) windows and doors;

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

and the following adopted standard conditions:

- (9) Support for Neighbouring Buildings⁸⁵⁰⁶
- (10) Retaining Walls and Drainage⁸⁵⁰⁵
- (11) Signs Erected on Building and Demolition Sites⁸⁵⁰⁸
- (12) Structural Design Certificate⁹⁰⁰⁶
- (13) Drainage Details with Construction Certificate⁹⁰¹³

- (14) Comply With BCA⁹¹⁰⁴
- (15) Construction Certificate Required⁹¹⁵⁵
- (16) Comply With the WorkCover Authority⁹¹⁰⁵
- (17) Works Within Boundary⁹¹⁵²
- (18) Construction Hours⁹¹⁵¹
- (19) Works Within Boundary⁹¹⁵²
- (20) Construction Hours⁹¹⁵¹
- (21) Building/Demolition Noise Control⁹¹⁵⁶
- (22) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (23) Excavations and Backfilling⁹¹⁶⁰
- (24) Guarding of Excavations⁹¹⁶²
- (25) Demolition to Comply With Aust Standard⁹¹⁶³
- (26) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (27) Commencement of Structural Works⁹²⁰²
- (28) Protection from Termites⁹²⁰³
- (29) Protection of External Walls⁹³²³
- (30) Glazing Provisions⁹³³⁰
- (31) Stairs and Balustrades⁹⁴¹⁹
- (32) Smoke alarms⁹⁵²³
- (33) Clothes washing, drying and cooking facilities⁹⁶⁰⁴
- (34) Damp and weather proofing⁹⁶⁰⁵
- (35) Ceiling heights of rooms⁹⁶¹¹
- (36) Natural Light and Ventilation/Skylights⁹⁶¹⁴
- (37) Construction of External Walls for Dampness⁹⁶²⁴
- (38) Ventilation⁷⁰²³

(39) Noise and Vibration⁷⁰²⁶

(40) Natural light and ventilation⁹⁶¹³

(41) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶

(42) Clean Water Discharge⁴⁰⁰²

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

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

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

Carried.

12.

BOURKE STREET, NOS. 859 - 861, WATERLOO - ERECT A DOUBLE SIDED ADVERTISING STRUCTURE - DEVELOPMENT APPLICATION (U99-00108)

(A) That the Council as the responsible authority, refuses its consent to the application submitted by Australian Posters Pty Ltd for permission to erect a freestanding advertising sign for the following reasons, namely:-

(1) That the proposal is inconsistent with the objectives and provisions of Development Control Plan No. 7;

(2) That the proposal is of an unacceptable size, bulk and scale and would have an adverse impact on the character and identity of the area by virtue of its exacerbation of visual cluttering;

- (3) That the proposal is contrary to the objectives of the Draft Green Square Development Control Plan and Local Environmental Plan and the City of Sydney Planning Scheme Ordinance;
 - (4) That the proposal has an adverse impact on residential amenity;
 - (5) That the proposal is likely to have adverse impacts on driver safety;
 - (6) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
 - (C) That Council undertake appropriate legal enforcement action to ensure the removal of the unauthorised signage at No. 863 Bourke Street, Waterloo.
 - (D) That the owner be advised that Council considers the advertising sign inappropriate on the site, for general advertising structures.

Carried.

13.

NEWMAN STREET, NO. 52, NEWTOWN - ALTERATIONS AND ADDITIONS TO TERRACE HOUSE - DEVELOPMENT APPLICATION (U98-01265)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Ian Ross McDermott for permission to carry out alterations and rear additions to the existing terrace house and to erect a new carport, 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 \$130, 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 R and I/01C, R and I/04E both dated 30 August 1999;
- (4) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
 - (i) external finishes to walls;
 - (ii) roofing;
 - (v) windows and doors;

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

- (5) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (6) That the 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;
- (7) 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;
- (8) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater drainage system, in accordance with Council's requirements;
- (9) That 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);

- (10) That intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 22 of the Noise Control (Miscellaneous Articles) Regulation, 1995 under the Noise Control Act, 1975;
- (11) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, AS1668.1 and 2 and Council's Ventilation Code;
- (12) That noise and vibration from the use and operation of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act, 1975;
- (13) That 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:

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

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.

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

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) 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:

- (i) Mondays to Fridays, 7.00am to 5.00pm;
- (ii) Saturdays, 7.00am to 3.00pm;

No construction work outside of the above hours is permissible without the prior approval of Council.

- (15) 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);

(16) That building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:

(a) in the case of work to be done by a licensee under that Act:

(i) has been informed in writing of the licensee's name and contractor licence number, and

(ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or

(b) in the case of work to be done by any other person:

(i) has been informed in writing of the person's name and owner-builder permit number, or

(ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act,

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

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

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

- (17) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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

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

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

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

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

- (19) That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited, and
- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- (a) building work carried out inside an existing building, or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;
- (20) That all relevant sections of the BCA shall be complied with;
 - (21) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
 - (22) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
 - (23) That all proposed work shall be wholly within the boundaries of the site;
 - (24) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
 - (25) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in

accordance with the relevant Australian Standards and design codes;

- (26) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (27) That where a structural member is subject to attack by subterranean termites provision shall be made for:-
 - (a) Physical barriers in accordance with AS 1694
 - (b) Soil treatment in accordance with B1.3 of the BCA and AS 2057
- (28) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
- (29) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (30) That the combustible rooflights or the like (in a class 1 and 10 building) shall comply with Part 3.7.1.10 of the BCA;
- (31) That the proposed skylight to bedroom 2 shall be deleted. Light and ventilation to the room shall be provided by providing an opening in the north wall of bedroom 2 to the lightwell void and which shall be made open to the sky from the first floor level. A supplementary flush skylight can be incorporated into bedroom 2.
- (32) That the north facing first floor windows shall be relocated to provide masonry panelling between the windows and the side boundary walls.

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

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

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

Carried.

14.

THOMAS STREET, NO. 32, DARLINGTON - DEMOLITION OF REAR TO EXISTING TERRACE HOUSE AND NEW ADDITIONS - DEVELOPMENT APPLICATION (U99-00251)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by E Van Ekert, (Owner) for permission to demolish the rear single storey extension and erect a 2 storey addition to the existing terrace house, 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 \$200, 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 DA-01 to 04 inclusive except as required to comply with condition (4);
 - (4) That the proposed roof over the rear addition shall be amended to a simple skillion roof form, pitching towards the northern boundary so that the side (northern) wall does not exceed a height of 6 metres above the natural ground surface;
 - (5) That the north facing wall of the proposed extension shall be painted or bagged with render of a light colour;

and standard adopted conditions:

3029; 3032; 4001; 4002; 6002; 7006; 7023; 7026;7072;9006; 9013; 9104; 9151; 9152; 9155; 9156, 9161; 9163, 9613; 9201; 9202; 9203; 9323; 9326; 9330; 9419; 9523; 9604; 9605; 9623;

***The full text of the above standard conditions can be found in the attached booklet dated 22 April, 1999**

NOTE: That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if 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 or be placed in a position where any of the aforementioned may occur. The applicant shall ensure that its employees, agents, or sub-contractors 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;

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

- (B) That the persons who made representation regarding this proposal be notified of Council's determination.

Carried.

15.

MOORE PARK ROAD, NO. 352, PADDINGTON - ALTERATIONS AND ADDITIONS TO RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION (U98-00502)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the application submitted by Ascot Industries Pty Ltd (owner) for permission to undertake alterations and additions to the existing building, be deferred to allow the applicant the opportunity to submit amended plans.

Carried.

16.

**MYRTLE STREET NOS. 35-45 CHIPPENDALE – CHANGE OF USE TO
ADVERTISING AND DESIGN STUDIO – DEVELOPMENT APPLICATION
(U99-00131)**

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

(A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979, to the application submitted by Cicchiani Malone, with the authority of La Gonda Properties, to change of use of part of first floor for advertising and design studio, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with the plan labelled by Council "35-45 Myrtle Street First Floor Plan, A01" and dated 5 May 1999, except as detailed below;
- (2) That no partitioning or fit out of the site shall be done without Council's approval;
- (3) That the hours of operation shall be restricted to between 8.30 a.m. to 5.30 p.m. Mondays to Fridays and 9.00 p.m. to 2.00 p.m. Saturdays and that between sunset and sunrise the blinds facing Pine Lane shall be kept close;
- (4) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
 - (i) all required mechanical ventilation systems;
 - (ii) sanitary facilities;

and the following standard conditions:-

107, 2001;7004; 7016; 7023; 7026; 8004; 9104; 9155; 9421;
9501; 9518; 9519; 9506; 9507; 9608; 9615.

***The full text of the above standard conditions can be found
in the attached booklet dated 22 April, 1999**

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

Carried.

17.

LIVERPOOL STREET, NO.399 DARLINGHURST – USE OF GROUND FLOOR PREMISES AS A FUNCTION ROOM – DEVELOPMENT APPLICATION (U99-00285)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority refuses the application submitted by Mr I B Kaldor, for use of the existing premises as a private function room in association with Fez Restaurant at the abovementioned premises, for the following reasons, namely:-
- (1) That the proposal will result in an unacceptable intensification of the use of the site through its encroachment into the Residential 2(b) zone;
 - (2) That the proposal is inconsistent with the objectives of the Residential 2(b) zone under South Sydney Local Environmental Plan 1998;
 - (3) That the residential amenity of the 2(b) zone would be undermined;
 - (4) That the proposal is not in the public interest.
- (B) That the matter be referred to Council's Solicitors to take legal action with regard to the unauthorised works.

Carried.

18.

ROSE STREET, NOS. 291 – 303, DARLINGTON – DEMOLISH DWELLING HOUSE AND EXTEND MATERIALS STORAGE YARDS – DEVELOPMENT APPLICATION (U98-01158)

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

- (A) That the Council as the responsible authority grants its consent to the development application submitted by John Krey, on behalf of the University of Sydney, with the authority of University of Sydney, for permission to demolish the dwelling house at No. 297 Rose Street and to extend materials and vehicle storage yard to include premises Nos. 291-303 Rose Street, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered H69B/B;

- (2) That prior to the demolition of the existing building the building shall be recorded in accordance with the guidelines in "How to Prepare Archival Records of Heritage Items" (Second Edition February 1995) produced by the Department of Urban Affairs and Planning and the NSW Heritage Council and a report submitted to Council for its records within one month of the demolition;
- (3) That in the event that any excavation or removal of surface layers of the site is carried out then, prior to the work commencing, a detailed archaeological assessment of the site shall be carried out by a suitably qualified archaeologist and a report submitted to Council for its consideration - the report should include the history of the site, an assessment of heritage significance and recommendations for management measures;
- (4) That a landscape setback shall be provided of at least 2000mm width along the north, west and southern side boundaries to ensure that the storage area is adequately screened from the public street and from the adjoining school yard and the storage materials shall be suitably contained to ensure that it does not escape the site either as airborne particulates or with stormwater run-off the landscaping shall be commenced no later than 3 months from the date of the demolition of the existing dwelling and shall be completed within 3 months of the work commencing;
- (5) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (6) That the demolition work shall comply with Australian Standard 2601-1991;
- (7) That all relevant sections of the BCA shall be complied with;
- (8) That the requirements of the Work Cover Authority 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 all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;

- (11) That all proposed work shall be wholly within the boundaries of the site;
- (12) 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;
- (13) That the site shall be properly secured at all times and adequate steps shall be taken to control vermin and offensive odours;
- (14) That the developer shall make an application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of any on-site works, prior to work commencing (Warning – To ensure that future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (15) That the developer 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;
- (16) 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;
- (17) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (18) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (19) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am

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

- (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (20) That details of the manner in which it is intended to remove spoil and rubbish from the site during the course of demolition, excavation or refurbishment operations as well as measures to be adopted for the eradication of any vermin from the site shall be submitted to the Health and Community Services Department and approval obtained prior to the commencement of the work;
- (21) That 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;
- (22) That a detailed landscape plan and specification for the site, prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services prior to or with the application for a construction certificate. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include construction details;

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 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, streetscape qualities, heritage issues, traffic and parking congestion, and would not be in the public interest.

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

Carried.

19.

HAROLD STREET, NOS. 20 – 22, NEWTOWN – ALTERATIONS AND ADDITIONS TO CREATE A TOTAL 4 DWELLINGS – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-01194)

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

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council, as the responsible authority, grants its consent to the application submitted by A Bastas Architects, with the authority of Doubleform Pty Ltd, for permission to undertake alterations and additions to the existing dwelling-house and to erect three new dwellings, subject to the following conditions, namely:-
- (1) That the proposal is generally in accordance with plans marked DA 02A and DA 03, dated March 1999;
 - (2) That a covenant is placed on the proposed new lot containing the existing dwelling restricting development on that lot to the floor space ratio that would result from the present proposal, with the floor space ratio figure to be verified by a registered surveyor prior to the proposed subdivision taking place;

- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$6,000 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;
- (4) 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 \$800, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (5) 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.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$6,204	2E97001.BGY0
Open Space/Townscape/Public Domain	\$1,890	2E97002.BGY0
Accessibility And Transport	\$22	2E97006.BGY0
Management	\$93	2E97007.BGY0
Total	\$8,209	

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 December Quarter 1998 (Amend as applicable)

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

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.

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$1,845	2E97008.BGY0

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

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

where:

C is the original contribution amount as shown above;

CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

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

- (7) That none of the proposed dwellings shall have more than one off-street car-parking space provided to it;
- (8) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the Environment Protection Authority, with this assessment to be reviewed by a site auditor who is accredited under Part 4 of the Contaminated Land Management Act, 1997, and a site audit statement submitted to Council in accordance with Schedule 1 Form 1 Contaminated Land Management (Site Auditors) Regulation, 1998;
- (9) That plans and specifications showing details of all proposed mechanical ventilation systems shall be submitted and approved by Council or an accredited certifier before a 'Condition Certificate' is issued;
- (10) That the developer pays for Council to construct a new pathway along the frontage to Gowrie Street in accordance with the approved master plan proposal for Lady Gowrie Reserve. The cost of these works shall not exceed \$10,000.;
- (11) That the applicant pays Council to undertake the following works:-
 - (a) construction of a new drainage pit with an extended kerb inlet approximately 8 metres south of the existing pit on the western side of Gowrie Street;
 - (b) reconstruction of the existing drainage pit off Gowrie Street, in the vicinity of the site of the proposal, to a grated pit;
 - (c) construction of a new 375mm diameter RCP pipeline between the two pits mentioned above within this condition;

- (d) reinstatement of the kerb, gutter, footpath and road affected by this drainage construction;
 - (e) supply and erection of four decorative metal bollards diagonally across the footpath at the end of Gowrie Street; and
 - (f) construction of a heavy duty vehicular crossing to the garages;
- (12) That the applicant pays the full cost of any alterations to public utility services required by the proposal;
- (13) That the developer shall include with the application for a Construction Certificate a plan detailing the proposed building alignment levels and the design of the vehicular access, with the developer to apply and pay Council for the fees for Council to consider these designs, and with the developer to adopt the final alignment levels fixed by Council;
- (14) That the developer reinstates any damaged kerb and gutters in materials similar to the existing materials;
- (15) That the developer, where necessary, constructs or reconstructs at the developer's cost, road and drainage to the satisfaction of Council's Department of Public Works and Services, with Council's Manager of Traffic and Design to provide specifications for such works;
- (16) That the developer lodges with Council and from a Bank approved by Council, a Guarantee for the estimated construction cost of all works on adjacent roads required by this consent, with the developer to have an estimate prepared at no cost to Council and by a practicing quantity surveyor, for such works, taking into account but not limited to the requirements of Council, the Roads and Traffic Authority, the State Transit Authority, Public Utility Services and Sydney Water;
- (17) That unit estimates for the estimation of the cost of works required by condition (16) of this consent are in accordance with the requirements of Council's Department of Public Works and Services;
- (18) That the Bank Guarantee referred to in condition (16) of this consent is for the cost of work estimated in accordance with that condition compounded at a rate of 7 percent for a period from the time of preparing the estimate to the date agreed for completion of the project;

and the following adopted conditions:

- (19) Street Number Application¹²³
- (20) Display Street Number¹²⁴
- (21) Clean Water Discharge⁴⁰⁰²
- (22) Construction Certificate Required⁹¹⁵⁵
- (23) Ventilation⁷⁰²³
- (24) Sanitary Facilities⁷⁰¹⁶
- (25) Storage/Garbage⁶⁰⁰⁹
- (26) Vibration and Noise⁷⁰²⁸
- (27) Compliance with Building Code of Australia⁸⁵⁰¹
- (28) Residential Building Work⁸⁵⁰³
- (29) Retaining Walls and Drainage⁸⁵⁰⁵
- (30) Support for Neighbouring Buildings⁸⁵⁰⁶
- (31) Protection of Public Places⁸⁵⁰⁷
- (32) Signs Erected on Building and Demolition Sites⁸⁵⁰⁸
- (33) Construction Certificate Required⁹¹⁵⁵
- (34) Works on Public Way Cost¹⁰⁰²
- (35) Builders Hoarding Permit¹⁰⁰⁸
- (36) Dedication of Roads/Splay¹⁰⁰⁹
- (37) Road Dedication¹⁰¹⁰
- (38) Alignment Levels¹⁰¹⁶
- (39) Resident Parking Access³⁰⁰¹
- (40) Road Opening Permit³⁰²⁵
- (41) Cost of Signposting³⁰²⁶
- (42) Consequential Roadworks³⁰²⁷

- (43) Footway Crossing³⁰²⁸
- (44) Obstruction of Public Way³⁰²⁹
- (45) Delivery of Construction Materials³⁰³²
- (46) Stormwater Standard⁴⁰⁰¹
- (47) Connection to Council's Stormwater System⁴⁰⁰⁵
- (48) Refuse Skips⁶⁰⁰²
- (49) Construction Noise⁷⁰⁰⁸
- (50) Works Within Boundary⁹¹⁵²
- (51) Construction Hours⁹¹⁵¹
- (52) Landscape Plan⁵⁰⁰¹
- (53) Tree Preservation Order⁵⁰⁰⁵
- (54) Preserve Existing Trees⁵⁰⁰⁶
- (55) Maintenance of Landscaping⁵⁰¹⁴
- (56) Final Inspection⁵⁰¹⁵

NOTE: The developer shall be able to request a decrease in the amount of the original bank guarantee referred to in condition (16) of this consent as section of work are completed. Council shall consider these requests and approve any reductions that are fair and reasonable.

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

Carried.

Councillor Fowler requested that his name be recorded as voting against the foregoing motion.

20.

FORBES STREET, NO.135, WOOLLOOMOOLOO – CONVERT EXISTING DWELLING TO RESIDENTIAL FLAT BUILDING – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U98-00855)

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

NOTE: The Deputy Mayor, Councillor Lay was in the Chair for this Item.

- (A) That the Council as the responsible authority grants its consent to the proposal, submitted by the Horizon Trust, with the authority of Harry M Miller & Co Management (owner), to undertake alterations and additions to the existing dwelling for conversion to a residential flat building containing 4x2 and 6x1 bedroom units, subject to the following conditions, namely:-
- (1) That the proposal is generally in accordance with the approved plans held by Council numbered DA01C, DA02B, DA03C, DA04C, DA05C, DA06C, DA07C, DA08C, DA09C, DA10C, DA11C and DA12C dated 17 February, 1999;
 - (2) That the developer provide a monetary contribution to Council of \$25,000 for public domain improvements for the Forbes Street tree replacement programme and landscape improvement works to the Forbes Street road closure (Account FAH.0001);
 - (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$10,500 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit.
 - (4) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$3,000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.
 - (5) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Part A

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$2,572	2E97003.BGY0
Open Space: New Parks	\$12,572	2E97009.BGY0
Accessibility And Transport Management	\$77	2E97006.BGY0
	\$211	2E97007.BGY0
Total	\$15,432	

The above payments, with the exception of the land acquisition component of New Parks and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual 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 calculation being - Quarter 1998/99.

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 approved construction plans.

Note: 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. Endorsed DA and construction plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

Part B

Applications for the payment of contributions by carrying out works which are identified in the Section 94 Contributions Plan will be considered on their merits.

To support the 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.

Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Details submitted after the lodgement of the Building Application may not be approved in time to allow the work to be carried out concurrent with the main project. Approved Works will only be off-set against the same category of works.

Unless otherwise agreed, security in the form of an unconditional bank guarantee for the full contribution amount must be lodged with Council and will be held until the approved works have been certified as complete to the satisfaction of Council. For substantial works, Council may, at its discretion, hold the bank guarantee, or part thereof, until the elapse of a minimum defects liability period of at least twelve months after the practical completion of the works. Works to be carried out on public land will also require proof of public liability insurance.

Council also reserves the right to require the future management of the completed work to be formally agreed prior to acceptance.

Note: Works carried out without written approval by Council, in the form of a letter referring to detailed specifications and costs, will not be off-set against Section 94 Contributions and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement.

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$3,996	2E97008.BGY0

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

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI2}}{\text{PI1}}$$

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.

- (7) 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;
- (8) That no unit shall have more than one off-street car parking space allocated to it;
- (9) 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;
- (10) That the roller shutter door to the car park is of open grille type;
- (11) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
 - (b) all required mechanical ventilation systems;
 - (c) the garbage room;
 - (d) the recycling storage area;

and the following adopted standard conditions:

- (12) One Television Aerial¹¹⁴
- (13) Glazing Reflectivity less than 20%¹¹⁸
- (14) Wooden Windows and Doors¹¹⁹
- (15) Display Street Number¹²⁴
- (16) Separate Application for Signs²⁰⁰¹

- (17) Resident Parking Access³⁰⁰¹
- (18) Compliance with Building Code of Australia⁸⁵⁰¹
- (19) Residential Building Work⁸⁵⁰³
- (20) Protection of Public Places⁸⁵⁰⁷
- (21) Signs Erected on Building and Demolition Sites⁸⁵⁰⁸
- (22) Toilet Facilities⁸⁵⁰⁹
- (23) Structural Design Certificate⁹⁰⁰⁶
- (24) Comply With BCA⁹¹⁰⁴
- (25) Construction Certificate Required⁹¹⁵⁵
- (26) Comply With the WorkCover Authority⁹¹⁰⁵
- (27) Drainage Details with Construction Certificate⁹⁰¹³
- (28) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (29) Survey Certificate at Completion⁹⁰⁰²
- (30) Works Within Boundary⁹¹⁵²
- (31) Building/Demolition Noise Control⁹¹⁵⁶
- (32) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (33) Hours of Work and Use of Cranes⁹¹⁵³
- (34) Demolition to Comply With Aust Standard⁹¹⁶³
- (35) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (36) Commencement of Structural Works⁹²⁰²
- (37) Vertical Separation of Openings in External Wall⁹³⁰¹
- (38) Separation of Sub-Station⁹³⁰⁵
- (39) Protection of Openings⁹³⁰⁷
- (40) Doorways in Fire-Isolated Stairways⁹³¹¹
- (41) Fire Doors to Sole-Occupancy Units⁹³¹⁵

- (42) Protection of Roof Lights⁹³²¹
- (43) Glazing Provisions⁹³³⁰
- (44) Construction of Fire-Isolated Stairways/Ramps⁹⁴¹⁰
- (45) Installations in the Path of Travel to an Exit⁹⁴¹⁴
- (46) Width of Stairs and Vertical Clearance⁹⁴¹⁸
- (47) Private Stairs and Balustrade Requirements⁹⁴²⁰
- (48) Exit Doors Installed in a Path of Travel to an Exit⁹⁴²¹
- (49) Ramp Gradients⁹⁴¹⁶
- (50) Maintaining Unobstructed Access to Exits⁹⁴²⁶
- (51) Notices Outlining the Offences Relating to Fire Exits⁹⁴³⁰
- (52) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (53) Hydrants be Installed⁹⁵⁰⁷
- (54) Design of hydrants⁹⁵⁰⁸
- (55) Emergency lighting⁹⁵¹⁸
- (56) Exit signs⁹⁵¹⁹
- (57) Fire detection and alarm system⁹⁵²²
- (58) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶
- (59) Clothes washing and drying facilities⁹⁶⁰³
- (60) Damp and weather proofing⁹⁶⁰⁶
- (61) Ceiling heights of rooms or spaces⁹⁶¹²
- (62) Sound transmission classes of walls⁹⁶¹⁷
- (63) Sound transmission classes of floors⁹⁶¹⁹
- (64) Floor Wastes⁹⁶²²
- (65) Construction of External Walls for Dampness⁹⁶²³
- (66) Natural Light and Ventilation/Skylights⁹⁶¹⁴

- (67) Bounding Sole Occupancy Unit Walls⁹⁸⁶¹
- (68) Construction of Switchboard⁹⁸⁰⁶
- (69) Separation of Lift Motor Room⁹⁸²³
- (70) Signs Waring Against Use of Lifts⁹⁸¹⁹
- (71) Egress Paths to be Kept Clear⁹⁸⁵²
- (72) Certification of Electrical Installation⁹⁸⁵³
- (73) Inspection of Gas Installation⁹⁸⁵⁴
- (74) Wall and Ceiling Penetrations⁹⁸⁶⁰
- (75) Certification of Existing Ceiling⁹⁸⁶⁷
- (76) Hours of Work and Use of Cranes⁹¹⁵³
- (77) Construction Noise⁷⁰⁰⁸
- (78) Alignment Levels¹⁰¹⁶
- (79) Road Opening Permit³⁰²⁵
- (80) Footway Crossing³⁰²⁸
- (81) Stormwater Standard⁴⁰⁰¹
- (82) Builders Hoarding Permit¹⁰⁰⁸
- (83) Obstruction of Public Way³⁰²⁹
- (84) Refuse Skips⁶⁰⁰²
- (85) Cost of Signposting³⁰²⁶
- (86) Alteration of Public Services¹⁰⁰⁶
- (87) Preserve Existing Trees⁵⁰⁰⁶
- (88) Landscape Plan⁵⁰⁰¹
- (89) Street Trees⁵⁰⁰⁸
- (90) Maintenance of Landscaping⁵⁰¹⁴
- (91) Final Inspection⁵⁰¹⁵

(92) Sewer Discharge⁸⁰⁰⁴

(93) Storage/Garbage⁶⁰⁰⁹

(94) Garbage/Recyclable Material Room⁶⁰¹⁰

(95) Noise and Vibration⁷⁰²⁶

(96) Noise⁷⁰²⁸

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 1

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

NOTE 2

For the purposes of child safety it is recommended that all new or replacement water systems be designed to deliver hot water to a maximum 50 degrees Centigrade and/or install safety devices such as child restrain taps, single level mixing taps and automatic flow reduction devices.

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

Carried.

21.

SYDNEY PARK ROAD, NOS. 221-229, ERSKINEVILLE – DEMOLISH EXISTING BUILDINGS AND ERECT 181 RESIDENTIAL UNITS WITH PARKING – DEVELOPMENT APPLICATION (U98-00911)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Macken:-

(A) That the Council, as the responsible authority, grants its consent the development application submitted by Metroland P/L and Contases P/L for permission to demolish the existing buildings on site and erect 181 residential units with parking and dedicate land to Council, subject to the following conditions, namely:-

(1) That the development shall be generally in accordance with the following plans:

Plan Number	Plot Date
DA 102A	29/1/99
DA 103A	29/1/99
DA 104A	29/1/99
DA 105A	29/1/99
DA 111A	29/1/99
DA 112A	29/1/99
DA 113A	29/1/99
DA 114A	29/1/99
DA 115A	29/1/99
DA 116A	29/1/99
DA 117A	29/1/99
DA 118B	13/4/99
DA 119B	13/4/99
DA 120A	13/4/99
DA 121A	13/4/99
DA 131B	13/4/99
DA 132B	13/4/99
DA 133A	29/1/99
DA 134A	29/1/99
DA 135	29/1/99
DA 136B	13/4/99
DA 137B	13/4/99
DA 138A	29/1/99

-and where there are inconsistencies, the plans dated 13/4/99 shall prevail;

Part A

(2) 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 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$ 72,121	2E97003.BGY0
Open Space: New Parks	\$ 363,977	2E97009.BGY0
Accessibility and Transport	\$2,154	2E97006.BGY0
Management	\$5,964	2E97007.BGY0
Total	\$444,216	

The above payments, with the exception of the land acquisition component of New Parks and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual 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 calculation being - Quarter 1998/99.

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 approved building plans.

Note: 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. Endorsed DA and construction plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

Part B

Applications for the payment of contributions by carrying out works which are identified in the Section 94 Contributions Plan will be considered on their merits.

To support the 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.

Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Details submitted after the lodgement of the Building Application may not be approved in time to allow the work to be carried out concurrent with the main project. Approved Works will only be offset against the same category of works.

Unless otherwise agreed, security in the form of an unconditional bank guarantee for the full contribution amount must be lodged with Council and will be held until the approved works have been certified as complete to the satisfaction of Council. For substantial works, Council may, at its discretion, hold the bank guarantee, or part thereof, until the elapse of a minimum defects liability period of at least twelve months after the practical completion of the works. Works to be carried out on public land will also require proof of public liability insurance.

Council also reserves the right to require the future management of the completed work to be formally agreed prior to acceptance.

Note: Works carried out without written approval by Council, in the form of a letter referring to detailed specifications and costs, will not be off-set against Section 94 Contributions and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement.

- (3) 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 – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$107750	2E97008.BGY0

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

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

where:

Cis the original contribution amount as shown above;
CPI2is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
CPI1is 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.

- (4) That the land proposed to be dedicated to Council along the eastern side of the site shall be dedicated to Council prior to release of the strata plan for the development. The land must be remediated fit for its intended purpose if any contaminants are present, must not be excavated or filled without Council's consent, must be sewn with a cover crop approved by Council, and must be made accessible from Sydney Park Road by a means approved by the Director of Planning and Building prior to its dedication;
- (5) That the proposed planting of street trees and replacement of the footway on Sydney Park Road shall be carried out in accordance with specifications endorsed by the Director of Public Works and Services and shall be completed prior to the release of the strata plan;
- (6) That the building shall comply with the standards on access for people with a disability set out in the Building Code of Australia and the "*Guidelines on Access to Premises (June 1997)*" prepared by the Human Rights and Equal Opportunities Commission as far as is practical taking into account the constraints of the site;
- (7) That areas of open space within the development shall be lit at night to provide security for residents and visitors and details shall be submitted with the Construction Certificate application;
- (8) That the communal open space areas provided shall be equipped with seating, play equipment for children and other facilities such as BBQs and shade structures so as to provide a wide range of outdoor recreation opportunities and details shall be submitted with the Construction Certificate application;
- (9) The development shall not exceed a floor space ratio of 1.6625:1 and shaded computer generated drawings to demonstrate compliance with this condition shall be submitted with the Construction Certificate application;

- (10) That the development shall be fitted with solar water heating and/or efficient gas water heating in accordance with the requirements of DCP 1997 and details shall be submitted with the Construction Certificate application;
- (11) That the parking provided for residents and visitors shall not exceed the maximum rates set out in DCP 11;
- (12) That at least 2 spaces 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;
- (13) That of the required car parking spaces, at least 1 visitor space and 3 resident spaces shall be 3m x 5.5m minimum (with a minimum headroom of 2.5m) and shall be clearly marked for disabled driver's parking and appropriately located close to building entry points;
- (14) That to reduce the intrusion of the parking area into the central open space, 2 visitor car spaces may be relocated as parallel spaces in the triangular island adjacent to the visitor bicycle parking;
- (15) That all car park ramp gradients, aisle and space widths and dimensions shall generally comply with the requirements of DCP No.11 and AS 2890.1;
- (16) That the entry driveway shall be 6m in width and a separate exit driveway 4m in width shall be provided;
- (17) That the developer shall design and construct or fund the design and construction of a roundabout adjacent to the driveway on Coulson Street. If a roundabout cannot be physically accommodated, an alternative line marking and signage scheme shall be devised and implemented at the developer's expense. The design shall take into account the access of the adjoining property to Coulson Street.

The works shall be subject to the preparation of preliminary plans to the South Sydney Traffic Committee for necessary consideration under S.116 of the Roads Act and detailed design and construction to the satisfaction of the Director of Public Works and Services. All costs associated with design, public notification, supervision and construction shall be met by the developer. The works shall be completed before the development is occupied.

Should the developer wish Council to carry out the construction, a monetary contribution of \$80,000 (subject to adjustment after detailed costing) shall be lodged prior to release of the Construction Certificate.

The developer may carry out the works, subject to negotiation of terms acceptable to the Director of Public Works and Services, payment of supervision/inspection charges for Council, and lodgement of a Bank guarantee of \$80,000 (indexed to inflation) as security to ensure works are carried out to Council's satisfaction. Ninety percent of the guarantee shall be released on satisfactory completion of the works with 10% retained until a minimum defects liability of 12 months has elapsed. The bank guarantee must be lodged prior to the release of a Construction Certificate;

- (18) That bicycle storage spaces shall be provided in accordance with DCP No.11 to accommodate 60 resident bicycles and 18 visitor's bicycles. The majority of visitor spaces shall be located in a location adjacent to the entry from Sydney Park Road in an area with a high level of casual surveillance from the residential units;
- (19) That a pedestrian crossing shall be provided near the fork in the driveway with associated pedestrian paths;
- (20) That sufficient off street parking for all construction workers shall be provided at all times;
- (21) That the developer shall apply to the Director of Public Works and Services for a street address to be used for vehicular traffic;
- (22) That construction vehicles shall be directed to enter and leave the site via Coulson Street to the east and not via Concord or Bray Streets;

and the following standard conditions*

1002, 1006, 1008, 1016, 3001, 3024, 2036, 3027, 3028, 3029, 3030, 3032, 4001, 4002, 4003, 4005, 5001, 5008, 6002, 7008, 8003, 9152, 9151, 9153, 9156, 5014, 5015, 6009, 6007, 6006, 6011, 7018, 7017, 7028, 116, 118, 122, 124, 9014, 9155, 9006, 9101, 9105, 9156, 9159, 9161, 9162, 9202

***The full text of the above standard conditions can be found in the attached booklet dated 22 April, 1999**

NOTE: That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if 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 or be placed in a position where any of the aforementioned may occur. The applicant shall ensure that its employees, agents, or sub-contractors 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.

The reason for Council granting consent subject to conditions is:

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to traffic and noise.

- (B) That the applicant should note that this application has not been assessed for compliance with the Local Government (Approvals) Regulations 1993 or the Building Code of Australia.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (D) That the applicant be invited to explore alternate forms of residential development of the site with council staff that might reduce site coverage and maintain more views of the City from Sydney Park. Such discussions to involve the F.A.C. regarding building heights acceptable to them for the site.

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

That the application be deferred for an additional report on the loss of the view from Sydney Park with respect to the building of the tower on the site.

Amendment negatived.

Motion carried.

22.

DEVINE STREET, NO.20, ERSKINEVILLE – ERECT DETACHED STUDIO AT REAR OF EXISTING DWELLING – DEVELOPMENT APPLICATION (U98-01195)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Michael Bremner & Associates, with the authority of Elizabeth Scott, for permission to erect a detached studio at the rear of

the property for use in conjunction with the existing dwelling, 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 \$525 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$70 or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development shall be generally in accordance with the 2 sheets numbered 9602-03.2 with amendments dated 25/1/99;
- (4) That the roof shall be modified (by reducing the slope angle, for example) so that it does not project to a point higher than 2.7m above ground and details shall be submitted for approval with the construction certificate;
- (5) That adjoining property owners shall be consulted in regard to the finishes of walls proposed to be built on the boundaries and details of these finishes shall be submitted for approval with the construction certificate application;
- (6) That the existence of a well under the proposed building site shall be investigated and a report prepared by a suitably qualified person shall be submitted with the construction certificate application describing the investigations carried out with recommendations on whether any further investigation, excavation or conservation measures are necessary;
- (7) That a report prepared by a qualified arborist shall be submitted with the construction certificate describing the impact of the proposal, if any, of existing trees covered by Council's Tree Preservation Order;
- (8) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:

- (a) external finishes to walls;
- (b) roofing;
- (c) balcony treatment;
- (d) proposed fences;
- (e) windows and doors;

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

- (9) That 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);
- (10) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (11) 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;
- (12) 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;
- (13) That the applicant shall ensure, as far as practical, that existing structures, works and plants in the yards of adjoining properties are not damaged during construction;
- (14) 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;
- (15) 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;

- (16) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (17) That 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;
- (18) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668.1;
- (19) That noise and vibration from the use and operation 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;
- (20) That all proposed work shall be wholly within the boundaries of the site.

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

- (B) That adjoining residents be notified when a construction certificate application is received and be offered 14 days to view the plans and information and make submissions on the external finishes and amended roof design.
- (C) That the Applicant be advised that the application has not been assessed for compliance with the Building Code of Australia or the Local Government (Approvals) Regulation 1993.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

At the request of Councillor Lay, and by consent, the motion be amended by the addition of a condition (21) to the recommendation, namely:-

- (21) That the garden fence on the eastern boundary of the site shall be raised by 300mm for a distance of 8 metres from the proposed construction on the boundary to the south to ameliorate privacy impacts to the rear yards of properties in Amy Street.

Motion, as amended by consent, carried.

23.

STANLEY STREET, NO.82, DARLINGHURST – ERECTION OF NEW MIXED USED BUILDING – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-00470)

- (A) That the Council as the responsible authority grants its consent to an application submitted by Bennett Architects Pty Ltd, with the authority of Dacette Pty Ltd, for permission to construct a building containing two restaurants and six residential flats, 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 \$12,000 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 \$1,600, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.
- (3) Part A

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 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$14,800	2E97003.BGY0
Open Space: New Parks	\$ 4,596	2E97009.BGY0
Accessibility And Transport Management	\$ 60	2E97006.BGY0
	\$ 2,570	2E97007.BGY0
Total	\$22,026	

The above payments, with the exception of the land acquisition component of New Parks and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual valuations.

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

Cis the original contribution amount as shown above;
 CPI2is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and
 CPI1is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 1998/99.

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 approved building plans / before the release of the construction certificate / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

Note: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. Endorsed DA and construction plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

Part B

Applications for the payment of contributions by carrying out works which are identified in the Section 94 Contributions Plan will be considered on their merits.

To support the 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.

Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Details submitted after the lodgement of the Building Application may not be approved in time to allow the work to be carried out concurrent with the main project. Approved Works will only be off-set against the same category of works.

Unless otherwise agreed, security in the form of an unconditional bank guarantee for the full contribution amount must be lodged with Council and will be held until the approved works have been certified as complete to the satisfaction of Council. For substantial works, Council may, at its discretion, hold the bank guarantee, or part thereof, until the elapse of a minimum defects liability period of at least twelve months after the practical completion of the works. Works to be carried out on public land will also require proof of public liability insurance.

Council also reserves the right to require the future management of the completed work to be formally agreed prior to acceptance.

Note: Works carried out without written approval by Council, in the form of a letter referring to detailed specifications and costs, will not be off-set against Section 94 Contributions and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement;

- (4) That the development shall be generally in accordance with plans numbered DA102 to 106A dated 5 January 1999;
- (5) That the hours of operation of the restaurants shall not exceed 8.00am to midnight seven days a week;
- (6) That the stone building on site shall be restored in accordance with a study prepared by a qualified conservation architect prior to occupation of the building;
- (7) That no tables and chairs shall be placed on Little Stanley Street unless a licence has been granted by the Council. Nothing in this consent implies that the Council will support such an application;
- (8) That the lift tower shall be reduced in height by one floor;

- (9) That the stairwell which services the top floor shall be open at the top so that no part of it extends above the balustrade on the eastern side of the top floor deck;
- (10) That the first floor slab shall not extend over the ground floor rear courtyard beyond the limit approved in plan 97/6 DA03 revision C as referred to in the Councils consent of 4 June 1998;
- (11) That the floor space ratio shall not exceed 2.26:1;
- (12) That in respect of the restaurants a voucher system shall be provided for parking at secure parking Riley Street, East Sydney, whereby all customers at the premises are given the opportunity to park with their ticket validated for a discount at the secure parking station. Should such spaces or vouchers no longer be available, the use of the restaurants shall cease unless equivalent alternative parking is provided;
- (13) That it shall be noted in any advertisement, on menus and by a wall sign within each restaurant, that parking is available in accordance with condition (12);
- (14) That no live entertainment shall be provided on the premises;
- (15) That only one common television aerial shall be provided;
- (16) That external wall finishes shall be in accordance with the schedule provided;
- (17) That the existing lots shall be consolidated into one single lot prior to the issuing an Occupation Certificate;
- (18) That the street numbers shall be clearly displayed, with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing an Occupation Certificate;
- (19) That a separate Development Application shall be submitted at the appropriate time for any proposed signs;
- (20) That at no time shall any signs, amplification equipment, goods or the like be placed on public areas or the footpath adjacent or near the premises;
- (21) 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;

- (22) That no dancing shall be conducted on the premises;
- (23) That the premises being ventilated in accordance with the requirements of the Building code of Australia, Australian Standard 1668.10-1998 and 1668.2-1992 and Council's Ventilation Code;
- (24) That the construction of the food premises shall comply with the requirements of National Code for the Construction and Fitout of Food Premises and the Food (General) Regulation 1997;
- (25) That the storage and handling of garbage shall comply with the requirements of the Council's Code for the construction of garbage handling system;
- (26) That the garbage/recyclable materials room shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Facts Sheets;
- (27) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (28) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
 - (i) all proposed mechanical ventilation systems;
 - (ii) the garbage room;
 - (iii) the garbage chute;
- (29) That the use of the premises shall not give rise to:
 - (a) transmission of 'offensive noise' to any place of different occupancy, or
 - (b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10,15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.
 - (c) a sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Environmental Noise Control Manual; or, A sound pressure level at any affected premises that exceeds the NSW, EPA recommended maximum noise level as modified to account for the existing level of

stationary noise at the receiver premises (NSW, EPA Draft Stationary Noise Source Policy).

- (30) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (31) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes;
- (32) That all relevant sections of the BCA shall be complied with;
- (33) 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;
- (34) That the requirements of the Work Cover Authority shall be complied with;
- (35) 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);
- (36) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (37) That all proposed work shall be wholly within the boundaries of the site;
- (38) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (39) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;

- (40) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (41) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (42) That vertical separation between openings in external walls shall be provided by construction that is non-combustible and having a fire resistance level of at least 60/60/60 and in accordance with C2.6 of the BCA. Details demonstrating compliance with the abovementioned requirements shall be submitted to Council for approval;
- (43) That the doorways that open to fire isolated stairways/fire isolated passageways/fire isolated ramps shall be protected by -/60/30 fire doors in accordance with the requirements of C3.8 of the BCA;
- (44) That the enclosing walls of the fire isolated exit shall not be penetrated by any services other than as permitted by C3.9 of the BCA;
- (45) That all openings to the lift shaft/s shall be fitted with self-closing -/60/- fire doors complying with AS.1735.11 and in accordance with C3.10 of the BCA;
- (46) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
- (47) That the services passing through a floor shall either be installed in shafts with construction having a fire resistance level of or protected in accordance with C3.14 and C3.15 of the BCA;
- (48) That the metal pipes penetrating a wall, floor or ceiling shall be constructed in accordance with Specification C3.15-3 of the BCA and the gaps must be fire-stopped in accordance with Specification C3.15-7 of the BCA;
- (49) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (50) That the discharge from exits shall comply with D1.10 of the BCA;

- (51) That the fire-isolated stairway/ramps shall be constructed in accordance with D2.2 of the BCA;
- (52) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 of the BCA respectively;
- (53) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (54) That doors shall not be locked from within a fire isolated stairway, fire isolated ramp or fire isolated passageway to prevent re-entry to the storey or the room it serves in accordance with the requirements of D2.22 of the BCA;
- (55) That unobstructed access shall be provided and maintained at all exits at all times from tenancies and from public areas;
- (56) That a refrigerated or cooling chamber which is of sufficient size to permit the entry of a person shall be provided with:-
 - (a) a door which can at all times be opened from inside without a key;
 - (b) an approved alarm device located outside but controllable only from within the chamber;
- (57) The door referred to in paragraph (a) shall be set in an opening with a clear width of not less than 600mm and a clear height of not less than 1.5 metres in accordance with G1.2 of the BCA;
- (58) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (59) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (60) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;

- (61) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (62) That a warning sign advising against the use of lifts in case of fire, complying with the requirements of E3.3 of the BCA, shall be displayed in a conspicuous position near every lift call button;
- (63) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
- (64) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (65) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (66) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7;
- (67) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
- (68) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (69) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (70) That sanitary facilities for people with disabilities shall be provided in accordance with the requirements of F2.4 of the BCA;
- (71) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of Part 3.8.5 of the Building Code of Australia;
- (72) That the walls between flats or units shall be constructed of materials having sound transmission classes in accordance with F5.4 of the BCA;
- (73) That the floors between the flats shall be constructed of materials having sound transmission class not less than 45 in accordance with the requirements of F5.3 of the BCA;

- (74) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (75) That storeroom from restaurant 2 shall be deleted or comply fully with the requirements of Clause D2.8 of the;
- (76) That the door which opens into the fire isolated stairway from restaurant 1 shall be redesigned to comply fully with the requirements of Clause D1.7 of the BCA;
- (77) That the ceiling beneath the timber floor of the existing building shall be constructed of material have resistance to the incipient spread of fire of one hour;
- (78) That natural light and ventilation shall be provided in accordance with the requirements of part F4 of the BCA;
- (79) That travel via fire isolated stairways shall comply fully with the requirements of Clause D1.7 of the BCA with particular attention directed to Clauses D1.7(b) and D.17(c)

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 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;

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

Carried.

24.

**MACLEAY STREET, NO.87, POTTS POINT – CHANGE USE TO
BACKPACKERS HOSTEL – DEVELOPMENT APPLICATION
(U99-00161)**

That the application submitted by Savvides Holdings Pty Ltd (owner) for permission to use the premises as a backpacker's hostel, be deferred to request the applicant on how he will comply with all the matters of the deferred commencement.

Carried.

25.

MISSENDEN ROAD, NO.10, CAMPERDOWN – STAGE 2 – DEVELOPMENT APPLICATION – REDEVELOPMENT OF ROYAL PRINCE ALFRED HOSPITAL (U98-01103)

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

- (A) That the Council as the responsible authority favours the granting of its consent to the development application submitted by the Health Administration Corporation, with the authority of the Central Sydney Area Health Service for permission to carry out Stage 2 works for the Royal Prince Alfred Hospital precinct, subject to the following conditions, namely:-
- (1) That prior to commencement of works it will be necessary to lodge with Council a fee of \$500,000 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 \$340,000, 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 CEH.SD-A-01-12, 15-18, 20-22, JR.SD-A-01,03,04-08,11, 12, 20-21, KGV.SD-A-01, GH.SD-A-01 and LD.DA-01, dated 30.10.98, except where amended by conditions of this consent;
 - (4) 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;
 - (5) 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;

- (6) 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;

- (7) 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;
- (8) 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.

- (9) That all relevant sections of the BCA shall be complied with;

Heritage

General

- (10) That further details of the conservation works to the significant external fabric of the Albert, Victoria, Administration and Resident Medical Officers Quarters' buildings, shall be prepared by a heritage specialist and submitted for Council's information prior to commencement of works;
- (11) That all such conservation works shall be carried out under the supervision of a heritage specialist;

Albert Pavilion

- (12) That the external finish to the proposed addition at the north-east corner of the Albert Pavilion shall be face brickwork, rather than metal panelling, to relate more sympathetically with the heritage building;

Resident Medical Officers' Quarters

- (13) That the design and location of all works associated with the provision of internal services, including lowered ceilings, shall be further investigated by, or in association with a heritage specialist. Important fabric such as the timber architraves shall be retained and remain visible as part of this work;
- (14) That skirtings, doors and other joinery affected by the raising of part of the floor on Level 3, should be retained, repaired and adapted where possible, rather than replaced;
- (15) That the tiered seating in the auditorium on Level 4 shall be designed in such a way that it is removable and will not interfere with the building fabric;

- (16) That face brickwork in the enclosing walls of the new courtyard shall match that of the 1910 face brickwork. The wall shall be designed in such a way that it provides arched openings for light and ventilation, yet maintains the 'enclosed' feel of the courtyard;

Gloucester House

- (17) That external works proposed on the building as indicated on the submitted plans, shall be carried out under the supervision of a heritage specialist;

King George V Building

- (18) That the proposed external works to the King George V building, as indicated on the submitted plans, shall be carried out under the supervision of a heritage specialist;
- (19) That details of the proposed future adaptive re-use works to the King George V building, shall be prepared by, or in association with a heritage specialist and shall be the subject of a separate development application;

Contamination

- (20) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the Environmental Protection Authority. This assessment shall be reviewed by a Site Auditor who is accredited under Part 4 of the Contaminated Land Management Act 1997, and a site audit statement be submitted to Council in accordance with Schedule 1, Form 1 Contaminated Land Management (Site Auditors) Regulation, 1998;

Health/Amenity/Other Issues

- (21) 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;
- (22) That the car park shall be ventilated in accordance with Australian Standard 1668-1991.1 Section 7 and Australian Standard 1668.2 Section 4;
- (23) 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;
- (24) That the use of the premises shall not give rise to the emission into the environment of gases, vapours, odours, dust, or other

impurities which are a nuisance or injurious or dangerous or prejudicial to health;

- (25) That the construction of retail food premises shall comply with the requirements of National Code for the Construction and Fitout of Food Premises;
- (26) That the retail food premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances;
- (27) That design, installation, operation and performance of the new and alterations to existing mechanical ventilation systems shall -
 - (a) provide to each enclosure ventilated by mechanical means indoor air quality suitable for the health and safety of occupants therein;
 - (b) not adversely affect performance of the building under fire conditions or the ventilation performance of the existing systems approved by Council; and
 - (c) be in accordance with the Building Code of Australia, AS 1668.1 and 2, 1991 and Council's Ventilation Code.
- (28) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Facts Sheets;
- (29) That the garbage/recyclable materials room shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Facts Sheets;
- (30) That the garbage/recycling areas shall make provision for containerisation requirements set by Council's Waste Services Section;
- (31) That plans and specifications showing details of:-
 - (a) all required mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the recycling storage area;
 - (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all proposed food preparation areas;

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

- (32) That noise and vibration from the use and operation 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;
- (33) That the use of the premises shall not give rise to:-
- (a) a sound level at any point on the boundary 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.

Traffic and Design

- (34) That the applicant carry out and bear all design, approval and construction costs associated with creating a slow vehicular speed, pedestrian friendly environmental adaptation of Missenden Road generally in accordance with Sketch J attached, subject to detailed design and investigation to the satisfaction of Council, liaison with appropriate authorities, consideration under the S116 of the Roads Act, and the following points:
- The treatment shall include the removal of the existing traffic signals at the intersection of Missenden Road and Salisbury Road and their relocation and modification to pedestrian signals at the main entrance of the Edinburgh Building;
 - The treatment will require enlargement and re-alignment of the two gateway roundabouts and consideration of pedestrian safety issues and provision of an additional roundabout at the intersection of Missenden Road and Lucas Street to reduce travel speeds on the approach and departure of the treated zone. All roundabouts shall be designed to accommodate the manoeuvring requirements of a standard heavy rigid vehicle.
 - The materials used, quality of finishes and construction standards shall generally be in accordance with Council's Streetscape Masterplan (currently under preparation) and be to the satisfaction of the Director of Public Works;
 - The applicant shall liaise with the Director of Planning and Building as to outstanding investigation, consultation and approval processes that are necessary;

- The programme for the works shall be design and approval processes completed within 12 months and construction within 36 months of this consent;
- The applicant is responsible for the carrying out of the treatment subject to negotiation of acceptable terms with the Director of Public Works and Services, payment of standard supervision and inspection charges to Council and lodgment of a Bank Guarantee of \$1,000,000 (reviewable pending resolution of the final design and Condition 2) as security to ensure the works are completed to Council's satisfaction. The bank guarantee will need to be lodged with Council prior to commencement of construction of the treatment and may be progressively reduced as the works are completed. Ninety percent of the bank guarantee shall be released on satisfactory completion of the works with Council retaining the remaining 10 percent until the elapse of a minimum defects liability period of 12 months after this time. Works to be carried out on public land will also require proof of public liability insurance;

(35) That the vehicular and pedestrian circulation principles contained in Figure DA17 of the application be adopted with the exception of the extension of the new hospital link road from the Grose Street to Lucas Street and the latter's conversion to 2 way traffic. Instead, the circulation road shall be via a low speed road connecting the roundabout at Missenden Road/Sir John Hopkins Drive to the New Hospital Road incorporated into the northern side of the proposed car park. The road shall be subject to the following requirements:

- it shall be a private road but shall allow public right of access;
- it shall be designed and built as a two-way slow speed (maximum 20km/hr) minor street with appropriate pedestrian facilities and shall be to the satisfaction of the Directors of Planning and Building and Public Works and Services;
- it shall be available in a temporary form as a sealed at-grade minor street within 12 months of this consent in conjunction with the roundabouts on Missenden Road should the car park not be built before this time;
- The materials used, quality of finishes and construction standards shall generally be in accordance with Council's Streetscape Masterplan (currently under preparation) and be to the satisfaction of the Director of Public Works and Services;
- A signage plan for motorists and pedestrians indicating hospital-related destinations shall be devised and

implemented to the satisfaction of the Directors of Planning and Building and Public Works and Services;

- (36) That the premises and public domain elements 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.

Development and building approvals are assessed in accordance with relevant building laws and Council development controls. Irrespective of any requirements, directives, suggestions and conditions imposed by Council, it remains the responsibility of the developer, designer or builder to investigate their possible liability and attempt compliance with the Disability Discrimination Act. A conservative, best-practice approach such as adherence to Guidelines On Access To Premise by the Human Rights and Equal Opportunities Commission, may be the best defence against potential action until an accepted industry standard is available. Sole reliance on the access provisions of the Building Code of Australia is not adequate protection.

It is advisable that an Access Audit, performed by an independent, adequately qualified and experienced person, be carried out prior to finalisation of the construction and fit-out plans. A report advising of the building's compliance to the Human Rights and Equal Opportunities Commission's Advisory Notes On Access To Premises and other relevant considerations shall be submitted with future applications for construction approval;

- (37) That any paving on the public way shall be completed in accordance with the requirements of the Director of Public Works and Services (including responsibility for the full cost of the work, payment of fees, lodgement of a security deposit and public liability insurance);
- (38) That the levels of any colonnade/plaza at the street alignment shall coincide with the adjoining footpath levels (approved by the Director of Public Works and Services) and the surface of the colonnade/plaza area shall be evenly graded from the street alignment with a traverse crossfall not exceeding 5%, prior to the completion of works;
- (39) 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);

- (40) 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;
- (41) 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);
- (42) That prior to the commencement of works, the developer/owner shall make an application to the Director of Public Works and Services for the provision of any 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;
- (43) 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;
- (44) 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;
- (45) 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;
- (46) That prior to the commencement of works the developer/owner shall prepare a Construction Traffic Management Plan for the various stages of the project, to the satisfaction of the Director of Public Works and Services and Traffic Authority;
- (47) 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;

- (48) 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;
- (49) 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;
- (50) 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);
- (51) That 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:

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

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.

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

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) 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:

Mondays to Fridays, 7.00am to 5.00pm
Saturdays, 7.00am to 3.00pm

No construction work outside of the above hours is permissible without the prior approval of Council.

- (52) That all proposed work shall be wholly within the boundaries of the site;
- (53) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.00 am and 3.00 p.m. on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane;
- (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (54) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without an approval by the Director of Public Works and Services;
- (55) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (56) That design of the new road intersections and internal roads shall meet the Roads and Traffic Authority Guidelines and the approval of the Director of Public Works and Services prior to commencement of any works;
- (57) That any entry boom gate arrangement should be located far enough into the site to minimise queuing back out onto the surrounding road network;
- (58) That all trucks shall be able to enter and leave the site in a forward direction;
- (59) That the proposed designated 'public' car parking station within the site shall be subject to formal concurrence from the Roads

and Traffic Authority. The design of all public car parking areas shall conform with Australian Standard 2890.1 – 1993;

Landscaping

- (60) That a detailed landscape plan and specification for the new public spaces along Gloucester Drive and the Women's and Children's Hospital, the new park to the south of the KGV Building and the two new temporary parks along Missenden Road shall be prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services prior to or with the application for a construction certificate. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include construction details. The plans shall be approved by the Director of Public Works and Services prior to the approval of the construction certificate;
- (61) 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;
- (62) That the developer/owner shall be responsible for the cost of removing, relocating or replacing in the footway any tree whose removal is the consequential result of the construction of the vehicle driveways or other works;
- (63) 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;
- (64) That the developer/owner shall submit a survey of the site which indicates all existing trees, their species, height, caliper and their proposed status (i.e. to be retained, pruned or removed). This survey shall also include details of any street trees adjoining the site (NB a tree is classified as any plant higher than 3.4m);
- (65) 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. Understorey 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;

- (66) 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;
- (67) 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;
- (68) That the landscaping works shall be to the satisfaction of the Parks Development Branch (ring to arrange a final inspection), upon completion of works;

Waste Services

- (69) That the garbage/recyclable materials room shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Facts Sheets;
- (70) That the applicant shall enter into a commercial contract with a waste transporter who is licensed with the Environmental Protection Authority for the removal of contaminated waste and a copy of the contract shall be forwarded to Council's Health and Community Services Department before any process is commenced;
- (71) That suitably constructed waste disposal containers with securely fitting lids shall be left on the premises for the reception of any clinical, contaminated or related waste and, final disposal of the material shall be effected at a facility approved by the Environment Protection Authority;

NOTE 1: The applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia or the Local Government (Approvals) Regulation.

NOTE 2: 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.

NOTE 3: The owner's attention is drawn to the advisability of having periodic tests made of the pool water as to its suitability for bathing purposes.

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, access, heritage issues, design and streetscape issues, traffic and parking congestion, and would not be in the public interest.

- (B) That Council delegate to the General Manager the authority to determine the application subject to such conditions as may be agreed by the applicant.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (D) That the Roads and Traffic Authority shall be provided with a copy of the final notice of determination in accordance with Clause 6 of SEPP II.

Carried.

26.

GREEN SQUARE URBAN RENEWAL AREA – TRAFFIC AND ROAD PLANNING – JOINT FUNDING OF TRAFFIC MODEL (2020387)

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

That Council resolve to contribute \$10,500 towards establishment of the Green Square Traffic Model, for which funds are to be taken from "Transport Guidelines Monitoring" (Account GP97012) listed in the 1998/99 Planning and Building Department budget.

(DPB Report 14.5.99)

Carried.

The Planning and Development Committee Meeting terminated at 9.38 p.m.

Second Internal Cultural Survey - Congratulations to Staff

At this stage, the Mayor before concluding the meeting extended a warm welcome to the staff members who assisted in the undertaking of the Second Internal Cultural Survey. He stated that their involvement had been extremely valuable in promoting both trust and communication across Council.

On behalf of Council he thanked the members for their assistance.

The Council Meeting terminated at 8.07 p.m.

Confirmed at a meeting of South Sydney City Council
Held on1999

CHAIRPERSON**GENERAL MANAGER**