

232nd Meeting**Erskineville Town Hall
Erskineville****Wednesday, 28 July 1999**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.44 p.m. on Wednesday, 28 July 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 Macken, seconded by Councillor Fowler:-

That the minutes of the Ordinary Meeting of Council of 23 June 1999 and the Extraordinary Meeting of Council of 15 July 1999, be taken as read and confirmed.

Carried.

MINUTE BY THE MAYOR

21 July 1999

CELEBRATIONS - LOCAL GOVERNMENT WEEK 1999 CELEBRATIONS (2020573)

Council is aware that Local Government Week celebrations are being held throughout the South Sydney City Council area from Sunday 25 July to Saturday 31 July 1999.

This year's theme for Local Government Week is "democracy" and the motto is "**Local Government – It's in Your Hands**".

Additionally, with the approach of the Sydney 2000 Olympics – an Olympics sub-theme has been incorporated into Local Government Week 1999. This sub-theme is reflected in the design of the new logo for this year's Local Government Week celebration.

Some of the highlights of the week include:

- Kite flying and tree planting day at Sydney Park
- Heritage walk around Sydney Park area
- Researching Your House workshop at Paddington Town Hall
- Researching Your Family History workshop at Paddington Town Hall
- Tea Dance for senior citizens at Paddington Town Hall
- Free plants for residents at Newtown, Kings Cross and Surry Hills libraries
- Combined Councils Youth Games at Hurstville
- Local schools visit Council's exhibition at Paddington Town Hall
- Sydney 2000 Olympics display as part of Council's exhibition
- South Sydney Creative Arts Centre Open Day at Pine St, Chippendale
- Meet your local Gay & Lesbian Liaison Officer morning tea
- MASCON 4 Festival at Newtown High School of Performing Arts

On behalf of the Councillors I would like to take this opportunity to thank Council staff, community organisations and residents for helping to make Local Government Week 1999 a success in South Sydney.

Cooperation and communication with the local community is something that this Council endeavours to promote.

As in the past, Local Government Week continues to allow us to showcase the services and facilities we offer the local community.

Recommendation:

That the General Manager convey to all staff associated with Local Government Week 1999 activities, the Council's appreciation for their efforts and we look forward to another successful celebration this year.

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

27 July 1999

**CELEBRATIONS - LOCAL GOVERNMENT WEEK 1999 -
REPRESENTATIVES IN THE NSW COUNCILS YOUTH GAMES (2020573)**

On July 25 & 26, representatives from South Sydney Council gave their best at Sylvania Waters Athletic Park and at Hurstville Aquatic Leisure Centre in the NSW Combined Councils Youth Games as part of Local Government Week 1999 Celebrations.

Colleen Libardo represented South Sydney in swimming and Louis Pershons in athletics.

Recommendation:

On behalf of Council I would like to thank our competitors for giving it their best in representing South Sydney at the Combined Council's Youth Games, for Local Government Week 1999.

Unfortunately Colleen and Louis can't be here tonight, but I would like to ask Anerys Brotherton-Ford, Council's Sports and Programs Development Facilitator to come forward and accept Certificates of Appreciation on their behalf.

Councillor Vic Smith (SGD)

Mayor

Moved by the Mayor, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

28 July 1999

**PUBLIC RELATIONS - CITY OF BOTANY BAY MAYORAL
CHARITY GOLF DAY 1999 (2015942)**

I have received a communication dated 21 July 1999 from the Mayor of the City of Botany Bay asking Council to sponsor teams in the 1999 City of Botany Bay Mayoral Charity Golf Day to be held on Thursday, 23 September 1999. The Charity Golf Day will raise money for the Sydney Children's Hospital.

Council sponsored 4 teams in the 1997 and 1998 Charity Golf Day and the cost of sponsoring 4 teams for 1999 is \$2,000.

Council has in the past supported Touch Football, Tennis and Cricket Days between local Councils and in anticipation of other Councils sponsoring teams in the Charity Day, it will provide the opportunity to get together and exchange ideas.

Recommendation:

That approval be given to Council sponsoring 4 teams in the 1999 City of Botany Bay Mayoral Charity Golf Day at a cost of \$2,000 and that such amount be added to the 1999/2000 Revenue Estimates under Section 356.

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

28 July 1999

**DONATIONS - RECONCILIATION ACTIVITIES -
EDWARD STREET PARTY (D53-00113)**

Council has been asked by a group of Edward Street (Darlington) residents to provide a financial contribution towards a street party which is being held this Saturday 31st July, 1999 from 1pm -4pm. The party, which is a joint activity between local residents and The Settlement Neighbourhood Centre, aims to further the process of reconciliation at the local level.

The afternoon will include the reading of a street reconciliation statement by community elder, Ali Golding, as well as street entertainers, face painting, singers and dancers. Significantly residents will be invited to put their handprint on a banner to symbolise their support of the reconciliation process.

The proposed budget for the event is between \$800 and \$1,000, with The Settlement providing up to \$500 towards costs.

On the basis that Council regards reconciliation between the Indigenous and non Indigenous communities in South Sydney a priority issue, I propose that Council support the event by providing a 'seeding' contribution of \$300 towards running costs, similar to a donation provided to the Redfern Residents for Reconciliation Group through the 1999/2000 Community Grants Program.

Similar to the requirements of the Annual Community Grants Program the group will also be asked to provide a written evaluation of the event to Council, including a statement of the application of Council's donation.

I am also proposing that we advise the Edward St residents and The Settlement that any future requests for financial assistance from Council for events such as this need to be made through the Council's Annual Community Grants Program.

Recommendation:

I recommend that Council approve a \$300 'seeding' donation towards the Edward St Party which is being held from 1pm - 4pm this Saturday 31st July, 1999, to assist the process of reconciliation at the local level, with additional funds to cover this event to be allocated from the 1999/2000 Budget.

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 GENERAL MANAGER

21 July 1999

**PERSONNEL - SENIOR STAFF - ANNUAL REPORTING
OF CONTRACTS (P53-00119)**

Section 339 of the Local Government Act, 1993, requires the General Manager to at least annually, report to Council on the contractual conditions of senior staff.

The following staff are on five year performance based contracts:

Name	Title	Contract Commenced
J Bourke	General Manager	25 August 1994
Mr R Wilcoxon	Dir. Public Works and Services	28 August 1995
Ms S Browne	Dir. Corporate Services	31 July 1995
Mr G Dearsley	Dir. Health and Community Services	11 February 1998
Mr J Harrison	Dir. Planning and Building	11 February 1998

Mr M Duffy	Dir. Finance	11 February 1998
Mr P Chaffe	Dir. Organisational Development	11 February 1998

The General Manager's package is indexed annually to the movement in the Consumer Price Index while the remaining Directors' contracts are varied in line with Award increases.

The contractual conditions are contained in file.

Submitted for information.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Waters:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

26 July 1999

PLANNING - TAYLOR SQUARE URBAN DESIGN PROJECT - APPOINTMENT OF CONSULTANT TEAM AND ALLOCATION OF ADDITIONAL PROJECT FUNDS (2020343)

COUNCILLORS

On 9 June 1999, Council approved the commencement of the Taylor Square Urban Design Project. The Project Brief was issued to the following shortlist of consultants:

- Stephen Goldie & Associates Pty Ltd
- EDAW Pty Ltd
- Keys Young Pty Ltd
- Stanisic Turner Pty Ltd
- Architects Johannsen & Associates Pty Ltd
- Department Urban Affairs & Planning - Urban Design Advisory Service

Quotations closed Tuesday 6 July 1999, at 2.45 pm. Of the four quotations received, only three were complying. The quotation submitted by Keys Young Pty Ltd was sent by facsimile, and arrived at 3.13 pm. A summary of the quotations received is provided below:

Consultant Team	Compliance	Price
Millenium Planning & Urban Design: Stephen Goldie / Chris Stapleton Consulting	Yes	\$98 470
Architects Johannsen & Associates Pty Ltd	Yes	\$94 000
EDAW Pty Ltd	Yes	\$79 470
Keys Young Pty Ltd	No - fax received late	\$44 160

The Taylor Square Urban Design Taskforce reviewed the three complying quotations, and recommends that EDAW Pty Ltd be appointed to carry out the project. EDAW is preferred consultant as they have submitted the lowest complying price and they have prepared the most comprehensive team and methodology for the project. The breakdown of the project cost is as follows:

Project Component:	Cost Components
Urban Design Charette:	\$43 830
Concept Masterplan:	\$23 710
Development Control Plan:	\$7 340
Project Management:	\$4 540
Total:	\$79 420

Council has approved a project budget of \$50,000. The following table demonstrates that as EDAW's quotation is \$79 470, an additional \$37 470 (including 10% project contingency) is required:

Project Component:	Project Cost:
Urban Design Charette:	\$43 830
Concept Masterplan:	\$23 710
Development Control Plan:	\$7 340
Project Management:	\$4 540
Sub Total:	\$79 420
10% project contingency:	\$8 000
Project Total:	\$87 420
Amount approved to date:	\$50 000
Additional Project Funds Required:	\$37 420

It is recommended that the allocation of an additional \$37,470 (including 10% project contingency) to appoint EDAW to manage the charette process and produce the Draft Taylor Square Special Precinct Development Control Plan and Taylor Square Urban Design Concept Plan, be voted to the project by Council.

Recommendation:

That to facilitate the start of the Taylor Square Urban Design Project as a matter of urgency, Council:-

- (1) approve the recommendation made by the Taylor Square Taskforce to engage EDAW Pty Ltd for the quotation price of \$79,470. EDAW Pty Ltd will be engaged to manage the charette process and produce the Draft Taylor Square Special Precinct Development Control Plan and Taylor Square Urban Design Concept Plan; in accordance with the Project Brief and the methodology submitted by the consultants;
- (2) approve the allocation of the additional \$37 470 project funds, including 10% project contingency to appoint EDAW Pty Ltd, with funds to be allocated to the project Account Number GW 99003 Mainstreet Program;
- (3) approve a submission being made to the Roads and Traffic Authority to contribute an additional \$29,470 to the Taylor Square Urban Design Project. This contribution will be sought on the basis for the need to prepare a Taylor Square Urban Design Concept Plan, which will be used to inform the preparation of detailed design and documentation for the Taylor Square component of the Eastern Distributor LAIP scheme. Any funds received from the RTA for this project will be used to part reimburse Council's contribution of \$87,420;
- (4) revoke the amount of \$50,000 approved by Council on 9 June 1999 to the 1999/2000 Budget.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Fowler, seconded by Councillor Deftereos:-

That the minute by the General Manager, be deferred to the next Finance Committee Meeting to be held on 4 August 1999.

Carried.

PETITIONS

1. The Mayor tabled a petition received by the General Manager with approximately 16 signatures appended from residents of Marriott Street, Redfern, requesting Council review traffic conditions and signage at Marriott Street, between Cooper and Cleveland Streets.

Received.

2. The Mayor tabled a petition received by the General Manager with approximately 49 signatures appended from residents of Darlinghurst

objecting to the Development Application at No. 358A Victoria Street, Darlinghurst.

Received.

3.

Councillor Bush tabled a petition with approximately 300 signatures appended objecting to the proposed Multiplex Development at the Sydney University Complex, No. 90 Carillon Avenue, Camperdown.

Received.

4.

The Mayor tabled a petition with approximately 275 signatures appended from residents requesting that Council construct the Traffic Management Improvements in Area 15 L.A.T.M. bounded by Flinders and Oxford Streets and Greens and Moore Park Roads, Darlinghurst and Paddington.

Received.

5.

Councillor Fowler tabled a petition with approximately 45 signatures appended from residents objecting to the proposed approval of unauthorised works at Nos. 319 - 325 Cleveland Street, Redfern.

Received.

6.

Councillor Deftereos tabled a petition with approximately 22 signatures appended from residents requesting that Council defer consideration of the application for Conference Rooms at Nos. 96 - 102 Bayswater Road, Rushcutters Bay.

Received.

QUESTIONS WITHOUT NOTICE

1.

DEVELOPMENT - LOCATION OF SAFE INJECTING ROOM IN SOUTH SYDNEY - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2018557)**Question:**

The National News is stating there will be a supervised injecting room established in Kings Cross.

Will a Development Application be required and can Council Officers make enquiries and advise Councillors as soon as possible where the Sisters of Charity intend to locate the service?

Answer by the Mayor:

I think that response may take some time. The Government has made the decision and is determining where this safe injecting room will go. This Council has supported the establishment of safe injecting rooms for a trial period. What I am saying to the Government and all media outlets, is that I don't believe there should only be one. I believe there should be more than one. There is not only a drug problem in Kings Cross, but there is a drug problem in Redfern as there is in Fairfield.

I don't believe that other Local Government Authorities should negate their responsibilities by not going to the Government and asking for a safe injecting room in their locality. The people of Fairfield or the Council out there and the Local Member don't believe there are brothels in their area. Certainly there are drugs and there is prostitution across all areas of Sydney and think it's time the Government come to terms with that and not only allow a safe injecting room in Kings Cross, because what that will do is it will not only draw the addicts in, but it will also bring the dealers. I think that is why we need to ensure that there is more than one safe injecting room established in South Sydney.

2.

DEVELOPMENT - VALIDITY OF THE TRIAL OF MEDICALLY SUPERVISED SAFE INJECTING ROOMS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2018557)**Question:**

Could the Mayor write to the Premier expressing our concern at the validity of the trial of the medically supervised injecting room? One location does not, I believe, constitute a verifiable or suitable study.

Answer by the Mayor:

I will certainly write to the Premier along those lines.

3.**DEVELOPMENT - SAFE INJECTING ROOMS - HOURS OF OPERATION - QUESTION WITHOUT NOTICE BY COUNCILLOR DEFTEREOS (2018557)****Question:**

In your correspondence to the Premier, I would like to point out that the injecting room will only be open for seven hours a day and I do not think that this is appropriate. It should be a 24 hours a day operation, seven days a week.

Answer by the Mayor:

I will certainly include that in the letter.

4.**PARKS - WATERLOO LIBRARY - REPLACEMENT OF COUNCIL BANNERS - QUESTION WITHOUT NOTICE BY THE MAYOR (2015346)****Question:**

The banners advertising the Library at Waterloo Town Hall are badly torn and fading at a rapid rate because of the weather. Could we have them removed and replaced as soon as possible? It is a heritage building and they do not present a good advertisement for the Council in terms of money spent in restoring and refurbishing the building.

Question by Councillor Lay:

Apart from the broken flag pole, could we also look at the banner outside Council and one for the swimming pool at the corner of Cleveland Street and City Road?

Question by the Mayor:

Could I please have those responses in the Councillors Information Service on the actions taken?

5.

CLEVELAND STREET, NOS. 319 - 325, REDFERN - BUILDING WORKS AND CHANGE OF USAGE - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2020487)

Question:

Could a report be prepared for Committee in relation to the question raised by the 41 petitioners regarding Nos. 319 - 325 Cleveland Street (4 terraces) and building works and changes of usage?

Answer by the Mayor:

I will have a report prepared for Committee.

6.

TRAFFIC - RUTLAND STREET, SURRY HILLS - INVESTIGATION INTO TRAFFIC CONDITIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (T52-00223)

Question:

I have had a petition from the Strata Owners Corp at No. 7 Rutland Street, Surry Hills, regarding the use of Rutland Street as a "rat run". Could a report be made for the Traffic Committee regarding the use of Rutland Street and possible measures that can be taken by Council to remedy this?

Answer by the Mayor:

I will have a report prepared for the next Traffic Committee.

7.

PUBLIC RELATIONS - CHANGES TO MESSAGE ON COUNCIL RATE NOTICES - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2017556)

Question:

Could Council cease printing its ridiculous message on the rate notice to "Build Badgerys" now that State Cabinet have rejected the Environmental Impact Statement and change it to build Sydney's second airport outside the Sydney basin?

Answer by the Mayor:

No.

REPORT OF THE FINANCE COMMITTEE

21 July 1999

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

At the commencement of business at 6.33 pm 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 Macken), seconded by Councillor Harcourt:-

That the Report of the Finance Committee of its meeting of 21 July 1999, be received and the recommendations set out below for Items 1,3 to 5 inclusive, 7,9 to 13, 15 - 21 inclusive, 26,27,29 to 31 inclusive, be adopted. The recommendations set out below for Items 2,6,8,14,22 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

LEASING - COUNCIL'S RESIDENTIAL SUBSIDISED PROPERTIES - ANNUAL RENT REVIEW (L52-00010)

That approval be given to adopt the rental subsidies as outlined in the schedule accompanying the Director of Corporate Services' report dated 16 June 1999, which has been reviewed in accordance with Council's Housing Policy, subject to tenants being notified in writing of the increase 60 days in advance of the increase.

Carried.

2.

PROPERTIES - NO. 71 GARDEN STREET, ALEXANDRIA - PROPOSED SALE (2019720)

That for the reasons as set out in the report by the Director of Corporate Services dated 23 June 1999, Council proceed with the sale of No. 71 Garden Street, Alexandria, as soon as possible.

It was moved as an amendment by Councillor Fowler, seconded by Councillor Deftereos, that the matter be deferred regarding the proposed sale of Alexandria Town Hall and its continued use for the community.

Amendment negatived.

At the request of Councillor Fowler, and by consent, a clause (B) be added to the recommendation, namely:-

- (B) That any future owner of the premises be requested to install a plaque to give a history of the premises in relation to Council.

Motion, as amended by consent, carried.

3.

LEASING - COMMERCIAL AND RESIDENTIAL PROPERTIES - QUARTERLY SUMMARY REPORT - PERIOD 1 JANUARY 1999 TO 31 MARCH 1999 INCOME, EXPENDITURE AND PROFITABILITY (P56-00385)

That the Quarterly Report on Income, Expenditure and Profitability for the period 1 January, 1999, to 31 March, 1999, on Council's Commercial and Residential Properties, be received and noted.

(DCS Report 7.7.99)

Carried.

4.

LEASING - VACANT COMMERCIAL AND RESIDENTIAL PROPERTIES - QUARTERLY REPORT - PERIOD 1 JANUARY 1999 TO 31 MARCH 1999 (2006684)

That the report by the Director of Corporate Services dated 6 July 1999, submitting the Quarterly Vacancy Report, for the period 1 January 1999 to 31 March 1999, of Council's Commercial and Residential properties, be received and noted.

Carried.

5.

DONATIONS - QUARTERLY REPORT - APRIL TO JUNE 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, landscape materials etc. to the value of \$400 to the two local bodies listed in the report for the three month period ending 30 June 1999, and that the expenditure involved be added to the 1999/2000 Revenue Estimates, Account Code LFN.

(DPWS Report 2.7.99)

Carried.

6.

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

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

That approval be given for the advertising and action to be taken for the proposed closure and sale of part of Elizabeth Street, Zetland, as shown stippled on Plan No. S6-280/240 in accordance with the policy for Roads subject to Road Widening Orders (Lease or Sale) and the Procedure for Advertising and Valuation of Roads subject to Road Widening Orders (Lease or Sale) as adopted by Council on June 9 1999.

At the request of Councillor Bush, 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:-

That the matter be deferred and:

- (1) the Director of Planning and Building be requested to comment on the LEP and DCP in relation to setbacks;
- (2) Building take into consideration the precedents in Elizabeth Street and Botany Road;
- (3) that the matter be referred back to the Finance Committee.

Motion, as amended by consent, carried.

7.

DONATIONS - JEANS FOR GENES DAY - 6 AUGUST 1999 (D53-00054)

That approval be granted to allow employees to wear jeans (subject to OH & S requirements) at their workplace on Friday, 6 August 1999, and the Sports and Social Club collect the related donations for the Children's Medical Research Institute.

(DCS Report 8.7.99)

Carried.

8.

**FINANCES - HEALTH AND COMMUNITY SERVICES DEPARTMENT -
TRANSFER OF 1998/1999 FUNDS TO 1999/2000 BUDGET (2020961)**

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Waters:-

That arising from the report of the Director Health and Community Services dated 26 July 1999, approval be given to the revoting of \$ 302,945 from the 1998/99 Budget to the 1999/2000 Budget to enable Community Services plant and equipment purchases to be finalised and priority works and special projects outlined in the above report to be completed, and the with funds to cover these being allocated to the appropriate 1999/2000 Budget codes.

Carried.

9.

**MOTOR VEHICLES - COMMUNITY BUS SCHEME - QUARTERLY REPORT
(M56-00008)**

That arising from consideration of a report by the Director Health and Community Services dated 6 July 1999, confirmatory approval be given to the motor vehicles' use costs, as listed in the report above, being treated as donations and charged against Section 356 of the Local Government Act (1993).

Carried.

10.

WELFARE - SOUTH SYDNEY ABORIGINAL HERITAGE SITES PROJECT - APPOINTMENT OF TEMPORARY ABORIGINAL RESEARCH OFFICER (2013755)

That arising from consideration of a report by the Director of Health and Community Services dated 1 July 1999, approval be given to employ a temporary Aboriginal Research Officer for a fixed term six month contract to conduct the research for Council's Aboriginal Heritage Project, with funds to cover this expenditure available in the 1998/99 Budget (Account KCB0011 77F0).

Carried.

11.

PARKING - METER COLLECTIONS - ACCEPTANCE OF TENDER 1 JULY 1999 TO 30 JUNE 2001 (P51-00300)

That Council accepts the tender submitted by Armaguard and ASAP Security Services for the Collection of Parking Meter Proceeds for the period 1 July 1999 to 30 June 2001, with a 12 month option, at a cost of \$80,288 per year and approves the execution of all relevant documents being arranged by the Legal Officer through Council's Power of Attorney.

(DCS Report 28.6.99)

Carried.

12.

FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - JUNE 1999 (2020915)

That arising from consideration of a report by the Director of Finance dated 5 July 1999, approval be given to the confirmation of the payment of the accounts totalling \$14,287,719.11 as detailed in the Summary of Warrants for the Month of June, accompanying the report.

Carried.

13.

DONATIONS - BLUEY DAY, 21 AUGUST 1999 - COUNCIL SPONSORSHIP (5262801)

That approval be given to Mr Peter McIntosh attached to Council's Nursery Tree Gang and a member of the State Emergency Services being sponsored by Council in the "Bluey Day" on 21 August 1999, involving an expenditure of

\$1,000 and that the expenditure be charged to Section 356 (Donations), for which funds are available in the 1999/2000 Revenue Estimates.

(CAM/PO Report 14.7.99)

Carried.

14.

ADMINISTRATION - CODE OF CONDUCT - REVIEW (5076501)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That the matter be deferred and a report be prepared on existing practises by adjoining Councils.

Carried.

15.

GOODS AND EQUIPMENT - GENERAL FUND STORES - STATIONERY STOCKTAKING, FOR SIX MONTH PERIOD 1 JANUARY 1999 TO 30 JUNE 1999 (2002950)

That Council grants confirmatory approval to the amount of \$104.01 being debited to the stock adjustment account AAN.55AO and \$73.07 being credited to stock adjustment account AAN0001.55AO covering the six month stocktake period ending 30 June 1999.

(DCS & CAM/PO Joint Report 8.7.99)

Carried.

16.

DONATIONS - NSW POLICE SERVICE, REDFERN LOCAL AREA COMMAND - REDFERN TOWN HALL - REQUEST FOR FREE USE - 29 JULY 1999 (2003508)

That arising from consideration of a report by the Director of Corporate Services dated 9 July 1999, Council support the NSW Police Service by foregoing \$270 in income and meet the expenses of \$50, this approval will allow the NSW Police Service free use of Redfern Town Hall on 29 July 1999 to conduct training.

Carried.

17.

DONATIONS - REDFERN LEGAL CENTRE - REDFERN TOWN HALL - REQUEST FOR FREE USE (5209308)

That arising from consideration of a report by the Director of Corporate Services dated 2 July 1999, confirmatory approval be given to Redfern Legal Centre using Redfern Town Hall on 21 June and 12 July 1999 to conduct a management meeting, and that Council continue to support Redfern Legal Centre by foregoing a total of \$630 in income and meeting the expenses of \$350, this approval will allow Redfern Legal Centre free use of Redfern Town Hall on 21 June, 12 July, 9 August, 13 September, 11 October, 8 November and 13 December 1999, to conduct monthly management meetings.

Carried.

18.

DONATIONS - AUSTRALIAN THEATRE OF THE DEAF - REDFERN TOWN HALL - REQUEST FOR FREE USE - 12 NOVEMBER 1999 (2020910)

That arising from consideration of a report by the Director of Corporate Services dated 9 July 1999, Council support Australian Theatre of the Deaf by foregoing \$280 in income and meet the expenses of \$50, this approval will allow Australian Theatre of the Deaf free use of Redfern Town Hall on 12 November 1999 to conduct a Book Launch.

Carried.

19.

RATES - GENERAL REVALUATION JULY 1998 - EFFECTIVE JULY 1999 (2008143)

That the report by the Director of Finance dated 13 July 1999, regarding the General Revaluation of July 1998, effective July 1999, be received and noted.

Carried.

20.

LEASING - OUTSTANDING RENTAL PAYMENTS - QUARTERLY REPORT - PERIOD 1 APRIL 1999 TO 30 JUNE 1999 (P56-00365)

That the report by the Director of Corporate Services dated 6 July 1999, regarding outstanding rent payments for the three month period ending 30 June 1999, be received and noted.

Carried.

21.

FINANCE - GST GOODS AND SERVICES TAX (G51-00306)

That for the reasons as set out in the report by the Director of Finance dated 15 July 1999, this matter be approved in principle and that a further report be submitted to Council before any commitments are made.

Carried.

22.

DONATIONS - AUSTRALIAN TECHNOLOGY PARK (ATP) - APPLICATION TO WAIVE FEES FOR ENTERTAINMENT AUTHORISATION (2016251)

That the application by the Australian Technology Park for the waiving of Entertainment Fees, be refused.

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:-

That arising from a report by the Acting Director of Planning and Building dated 7 July 1999, approval be given to the Australian Technology Park paying a reduced fee of \$1900 to enable Council to determine their application for entertainment authorisation for the Locomotive Workshop Building and the National Innovation Centre under the Local Government Act, 1993.

Carried.

23.

CONFERENCES - ANNUAL CONFERENCE OF LOCAL GOVERNMENT ASSOCIATION OF NSW, DUBBO, NSW FROM 6 TO 10 NOVEMBER 1999 - ATTENDANCE OF COUNCIL'S REPRESENTATIVES (2013318)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

- (a) That Councillors Harcourt, Lay, Macken and Waters be nominated as Council's delegates at the Conference;
- (b) The Mayor, interested Councillors and the General Manager be nominated as Council's representatives to attend the 1999 Annual Conference of Local Government Association of NSW to be held in Dubbo, NSW from 6 to 10 November 1999, and that any registration

fees, accommodation and out-of-pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds are available in the 1999/2000 Revenue Estimates (EBE77LO and 77MO).

(CAM/PO Report 15.7.99)

Carried.

24.

PARKS - VICTORIA PARK STAGE 5 - CONSTRUCTION - ACCEPTANCE OF TENDER (2019796)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That approval be given to accept the submission from JA Bradshaws Pty Ltd for the construction of Victoria Park Stage 5 in the amount of \$380,934.24, and for the provision of a contingency sum of \$88,066 for which there are funds available in the 1999 / 2000 Parks Development Branch Works Program (FWP9031 Victoria Park Bowling Club Stage 1 - \$219,000, and FWP2007 Victoria Park Bowling Club Stage 2 - \$250,000).

Carried.

25.

PARKS - WILSON BROTHERS PLAN OF MANAGEMENT - ADDITIONAL FUNDS FOR PROJECT CONSULTANT (2017337)

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Lay:-

That approval be given to the payment of \$28,674 to Pittendrigh Shinkfield & Bruce for additional community consultation, disbursements, project management and extended masterplan development, for which funds are available in the 1999/2000 Budget (FWP 2006- Wilson Brothers).

(DPWS Report 15 /7/99)

Carried.

26.

PARKS - OPEN SPACE LOCATED ON THE CORNER OF BOURKE STREET AND O'BRIENS LANE, EAST SYDNEY - PROPOSED ACQUISITION (\$57-00056)

That approval be given to:-

- (1) Council entering into negotiations with the RTA to acquire the property on the corner of Bourke Street and O'Briens Lane, East Sydney based on the current zoning and valuation report of \$150,000;
- (2) a report being prepared for Council, documenting the outcomes of the negotiations, recommendations whether to proceed with the acquisition based on the negotiated sum, and funding sources to acquire the property.

(DPWS Report 14 .7.99)

Carried.

27.

STREETS - GARDEN STREET, ALEXANDRIA - CONSTRUCTION OF ROADWORKS - ADDITIONAL EXPENDITURE (2003220)

That for the reasons outlined in the report by the Director of Public Works and Services dated 19 July 1999, approval be given to the additional expenditure of \$68,530.90 to complete roadworks in Garden Street, Alexandria, north of Henderson Road, on the understanding that \$55,495.75 of the expenditure is funded by the NSW Government (NSW Dept of Public Works & Services) with the remainder of \$13,035.15 being funded from the 1999/2000 Works Programme (Footway Reconstruction - to be specified CWG2400) and to extension of the tender contract No S4031/98 with North Shore Paving Co Pty Ltd to a total amount \$384,743.40.

Carried.

28.

PROPERTIES - NOS. 147 - 179 BROADWAY, NOS. 46 - 60 MOUNTAIN STREET, AND NO. 3 OWEN STREET, ULTIMO - PROPOSED REDEVELOPMENT (534378)

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

The Chair was occupied by the Deputy Mayor, Councillor Jill Lay

This matter was submitted to Council without recommendation.

Moved by Councillor Macken, seconded by Councillor Harcourt:-

That it be resolved, that Council:-

- (1) enter into the Heads of Agreement, substantially in the form of the draft accompanying the Director of Corporate Services minute dated 20 July 1999, subject to such minor modifications as Council's Corporate Services Department and Council's Solicitor may approve;
- (2) instruct Abbott Tout Solicitors to prepare the relevant transaction documents contemplated in the Heads of Agreement, for the redevelopment of 147-179 Broadway, 46-60 Mountain Street and 3 Owen Street, Ultimo;
- (3) execute legally binding transaction documents (consistent with Heads of Agreement) no later than 31 January 2000, or such later date as the parties may agree in writing.

It was moved as an amendment by Councillor Bush, seconded by Councillor Fowler that the matter be deferred for the following reasons, namely:-

- (1) The Financial standing of Walker Corporation in relation to the impending court cases against the company, estimated at \$26 million and \$62 million.
- (2) The question of why the original Development Application listed Central Queensland University as the lessee and subsequently Walker Corporation now becoming the lessee;
- (3) The clarification of the commercial component of the development being \$225 per sq metre and the residential component being \$150 per sq metre.
- (4) The valuation and its capitalisation of the approved land being \$27 million but in reality should be estimated at \$17 million.
- (5) The question of notification of the Foreign Investment Review Board re the sale.
- (6) The legal standing of transfer for FSR within the site from surrounding buildings.
- (7) The fitout value difference from \$15 million to \$10 million and Council engaging a Quantity Surveyor to estimate the cost of construction.
- (8) The design of the project being unsuitable for the site.
- (9) That further meetings with residents re the development and continued briefings for Councillors.

Following discussion and at this stage Councillor Harcourt, seconded by Councillor Macken, moved that the motion be now put.

Carried.

Councillor Fowler requested a show of hands.

The voting on the show of hands was four all and was carried on the casting vote of the Acting Chairperson, Councillor Lay.

At the request of Councillor Fenton, and by consent, the matter was re-committed to allow her to speak to the matter.

Following Councillor Fenton speaking to the matter, the amendment was put to the vote.

Amendment negatived.

Councillor Fowler requested a show of hands.

The amendment was lost on the show of hands by 5 votes to 3 votes.

Motion, as moved by Councillor Macken, carried.

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

29.

PROPERTIES - COUNCIL'S HALLS - FREE USE - APPLICATIONS - DEFRAYING OF COSTS (2003711)

That arising from consideration of a report by the Director of Corporate Services dated 16 July 1999, approval be given to the Venue Management Unit continuing to encourage applicant organisations to contribute towards associated costs and/or to apply Council's discounted hall hiring rates when the policy guidelines are applicable.

Carried.

30.

PROPERTIES - PADDINGTON TOWN HALL - FOOD AND BEVERAGE CATERING COMMISSION (2003711)

That the report by the Director of Corporate Services dated 20 July 1999, on food and beverage commissions at Paddington Town Hall, be received and noted.

Carried.

31.

**CONFERENCES - LOCAL GOVERNMENT CONFERENCE, DUBBO, NSW
(1999) - SUBMISSION OF MOTIONS (2013318)**

That the report by the Civic Affairs Manager/Public Officer dated 21 July 1999, regarding the submission of motions to the 1999 Local Government Conference in Dubbo, NSW, be received and noted.

Carried.

32.

**WELFARE - SOCIAL PLAN - INCLUSION OF GAY AND LESBIAN TARGET
GROUP AND VOTE OF FUNDS FOR PREPARATION OF DEMOGRAPHIC
PROFILE OF THE TARGET GROUP (W51-00086)**

That this matter be deferred to the next Finance Committee to be held on 4 August 1999, for a further report from the Director of Health and Community Services.

Carried.

The Finance Committee Meeting terminated at 7.21 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

21 July 1999

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Margaret Deftereos, Sean Macken.

At the commencement of business at 7.22 pm 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 Lay:-

That the Report of the Community Services Committee of its meeting of 21 July 1999, be received and the recommendations set out below for Item 1, be adopted.

Carried.

The Committee **recommended** the following:-

1.

COMMITTEES - HEALTHY OLDER PEOPLE PROGRAM (HOPP) - MINUTES OF MEETING - 29 JUNE 1999 (2018510)

That the report by the Director of Health and Community Services dated 13 July 1999, and the accompanying minutes of the Healthy Older People Program Committee held on 29 June 1999, be received and that the undermentioned recommendation of the Committee, be adopted, namely:-

Council grants its approval to a half-day bus trip to the Olympic site at Homebush Bay for members of Activity Clubs on 1 October 1999 to celebrate the International Day of Older Persons and that an allocation of \$50 be made available in KEV77FO, for which funds are available in the 1999/2000 budget.

Carried.

The Community Services Committee Meeting terminated at 7.30 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

21 July 1999

PRESENT

The Deputy Mayor, Councillor Jill Lay (Acting Chairperson)

Councillors - John Bush, John Fowler, Christine Harcourt

At the commencement of business at 6.43 pm, those present were -

Councillors - Bush, Fowler, Harcourt and Lay

Apology:

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

Moved by the Acting Chairperson (Councillor Jill Lay), seconded by Councillor Harcourt:-

That the Report of the Planning and Development Committee of its meeting of 21 July 1999, be received and the recommendations set out below for Items 2, 4 to 12, inclusive, 14 to 16, inclusive, 18, 19, 23 to 25, inclusive, 28, 29, 32 and 34, be adopted. The recommendations for Items 1, 3, 13, 17, 20 to 22, inclusive, 26, 27, 30, 31 and 33 having been dealt with as shown immediately following such Items.

Carried.

NOTE: The Deputy Mayor, Councillor Jill Lay was Acting Chairperson during the Planning and Development Committee at Council.

The Committee **recommended** the following:-

1.

PLEASANT AVENUE, NO. 35, ERSKINEVILLE - ALTERATIONS AND ADDITIONS TO SINGLE DWELLING - BUILDING APPLICATION (Q98-00328)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority, grants its consent to the application submitted by Mr Steven Williams, pursuant to Section 100 of the Local Government Act, 1993, for permission to carry out alterations and additions to the abovementioned premises, in accordance with plans numbered 9626/BA01 and Shad 01 received by Council on the 28 January 1999, subject to the following conditions, namely:-
- (1a) That the window, including the frame and glazing, to the bathroom on the Pleasant Avenue elevation shall not be altered without the prior separate consent of Council;
 - (1b) That the height of the section joining the front and rear sections of the development shall not exceed 4.7m above existing ground level as indicated in red on the approved plans;
- (2) That with respect to all proposed work, the applicant shall make good any damage to common property as a result of such work;

- (3) That the external side boundary walls shall be of construction with a fire resistance level of not less than 60/60/60 when tested from the outside, or of masonry or masonry - veneer construction in accordance with 3.7.1.5 of the BCA;
- (4) That compliance shall be given to the provisions of the Local Government Act, 1993, Local Government Regulations and the Building Code of Australia (BCA);
- (5) That, in accordance with the requirements of Clause 29 of the Local Government (Approvals) Regulation 1993, the Council shall be informed in writing prior to the commencement of work of the following:-
 - (a) the name and contractor's licence number of the licensee who has contracted to do or intends to do the work; or
 - (b) the name and permit number of the owner-builder who intends to do the work;

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

- (i) a contract is entered into for the work to be done by a different licensee;
- or
- (ii) arrangements for the doing of the work are otherwise changed;
- (6) That the applicant shall inform Council once the stages indicated on the approved plans have been reached so inspections can be carried out by Council Officers;
 - (7) That the approval shall only relate to the work shown coloured on the approved plans;
 - (8) 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;
 - (9) 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;
 - (10) That the hours and days during which building work may be carried out shall be restricted between 7.00am and 5.00pm Mondays to Fridays and 7.00am and 3.00pm Saturdays with no work being carried out on Sundays or public holidays;

- (11) That structural details (including underpinning and/or shoring details) shall be submitted for consideration and approved prior to the commencement of any structural work. You are advised that by a resolution of Council, all structural plans must be accompanied by a certificate from an approved practising Structural Engineer. Details of the procedure of Structural Certification are attached herewith;
- (12) That a certificate shall be submitted at the completion of the proposed work from a registered structural engineer confirming that all structural work complies with the approved certified structural work complies with the approved certified structural plans;
- (13) That no structural work shall be commenced until approval is granted by Council;
- (14) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (15) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;

and the following adopted standard conditions:

- (16) Drainage Design Certificate;
- (17) Walls not to be Built as Party Walls Unless consent Obtained;
- (18) Building/Demolition Noise Control;
- (19) Works to be Within Allotment Boundaries;
- (20) Protection from Termites;
- (21) Smoke alarms;
- (22) Protection of walls and floors in wet areas;
- (23) Clothes washing, drying and cooking facilities;
- (24) Natural light and ventilation;
- (25) Construction of External Walls for Dampness;
- (26) Flashings to Boundary Walls;

Note: The applicant's attention is drawn to the issue of legal responsibility for support of adjoining properties arising from any cross-easements of support burdening the subject premises.

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

Carried.

2.

PLANNING - SYDNEY REGIONAL COASTAL MANAGEMENT STRATEGY (M54-00018)

- (A) That Council endorse the Sydney Regional Coastal Management Strategy.
- (B) That Council incorporates the Strategy as refinements to its relevant policies, upon their review.

(A/DPB, DPWS, DHCS Joint Report 11.6.99)

Carried.

3.

CROWN STREET, NOS. 64 - 66, WOOLLOOMOOLOO - EXTENSION OF TRADING HOURS - DEVELOPMENT APPLICATION (U99-00177)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by PA &H Muller for permission to change the trading hours of the hotel, subject to the following conditions, namely:-
 - (1) That the hours of operation shall be restricted to between 10.00am and 3.00am daily for a period of six months from the date of this consent. After a period of 6 months from the date of this consent the hours of operation shall revert to between 10.00am and 12:00 midnight on Mondays to Saturdays and 12.00 noon to 12.00 midnight on Sundays. A further development application for the continuation of the extended hours of operation may be lodged for Council's consideration prior to the expiration of the consent
 - (2) That the extension of hours shall be commenced within 6 months of the date of this consent and shall cease after a period of 6 months (It should be noted that the trial period and consent may be deemed not to have commenced unless the full range of hours approved by this consent has continually occurred during the trial period.);

- (3) That no live entertainment shall be provided on the premises;
 - (4) That the applicant shall advise Council in writing of the date on which the trial is to commence;
 - (5) The L_{A10} noise level emitted from the licensed premises shall not exceed 5dB above the background (L_{A90}) noise level in any Octave Band Centre Frequency (31.5Hz to 8 KHz inclusive) between the hours of 12.00 mid day to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises;
 - (6) The L_{A10} noise level emitted from the licensed premises shall not exceed the background (L_{A90}) noise level in any Octave Band Centre Frequency (31.5Hz to 8 KHz inclusive) between the hours of 12.00 midnight to 5.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
 - (7) That notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises;
 - (8) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
 - (9) That the use of the premises shall not give rise to:-
 - (a) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (b) an "offensive noise" as defined in the Noise Control Act, 1975.
- (B) That the persons who made representation with respect to the proposal be advised by Council's decision.

Carried.

4.

CLEVELAND STREET (SUBSECTION 5100), REDFERN - KNOWN AS ST. PAULS PLACE - ERECT 2 FREESTANDING GENERAL ADVERTISING SIGNS - DEVELOPMENT APPLICATION (U99-00072)

- (A) That the Council resolve not to support the application for two freestanding advertising structures and endorse referral of the application to the Minister for Urban Affairs and Planning in accordance with Section 115J of the Environmental Planning and Assessment Act, 1979, to seek refusal of the application for the following reasons, namely:-
- (1) That the erection of large advertising structures for the purpose of general advertising is not consistent with the objectives of the Special Uses (Railway) Zone under Local Environmental Plan 1998;
 - (2) That the erection of large advertising structures for the purpose of general advertising is not consistent with the objectives of the Mixed Uses Zone under Local Environmental Plan 1998;
 - (3) That the proposed signs are contrary to the numerical standards and the matters for consideration in Development Control Plan No. 7 - Guidelines for Outdoor Advertising;
 - (4) That the proposed signs would have a detrimental impact on the streetscape, vistas and the urban character of St. Paul's Place, which is a main gateway into the City of South Sydney;
 - (5) That granting consent would be contrary to Council's policy resolution of 22 February 1995 in respect of advertising structures visible from St. Paul's Place;
 - (6) That the granting of consent would set an undesirable precedent for large general advertising signs in the area and would be contrary to Council's recent decisions on similar applications for new signs in the locality;
 - (7) That the granting of consent would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

5.

ASHMORE STREET, NO. 11, ERSKINEVILLE - DEMOLISH PART OF THE EXISTING DWELLING AND CONSTRUCT FREESTANDING TWO STOREY DWELLING AT REAR - DEVELOPMENT APPLICATION (U99-00191)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Lifestyle Constructions Aust. Pty Ltd, with the authority of Mr Qi Zheng, for permission to erect a two storey dwelling at the rear of the abovementioned premises, for the following reasons, namely:-
- (1) That the proposal does not comply with the controls in DCP 1997 in relation to setbacks or maintaining the predominant rear building line;
 - (2) That the bulky appearance detracts from the visual amenity of the adjoining properties on both sides;
 - (3) That the proposal creates additional overshadowing in an area which already has limited solar access and does not comply with the overshadowing controls contained in DCP 1997;
 - (4) That the proposal detrimentally affects the privacy of the adjoining property to the east.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

6.

DARLINGHURST ROAD, NOS. 70 - 70A, POTTS POINT - REGULARISE USE AS BROTHEL - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00454)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Owens and Legge Design Partnership, with the authority of Patwatch Pty Ltd for permission to use the second floor of the premises at 70-70a Darlinghurst Road, Potts Point as a Brothel trading 24 hours daily, subject to the following conditions, namely:-
- (1) That the use shall cease immediately and not recommence until the following matters have been complied with and all necessary works undertaken to the full satisfaction of Council. This will require the submission and approval of a Construction Certificate, which must comply, with all conditions of this consent. This consent shall lapse if all matters are not complied with within six months of the date of this resolution of Council:

- (a) The Draft Plan of Management submitted with this application shall be amended to include additional details in the following areas of linen, education of workers and their clients, provision and storage of latex products and examination of clients. Full operational and specific details shall be provided, in particular:

- where will clean and soiled linen be stored?
- who is responsible for changing bed coverings?
- who will disinfect equipment and sex toys?

-Further actions to minimise the spread of disease need to be outlined in greater detail;

-The final Plan of Management shall be signed and dated by the owner and the manager of the premises and submitted to Council prior to the use re-commencing;

- (b) All works proposed by the Draft Plan of Management and the Action Plan shall be undertaken to the satisfaction of Council prior to the use re-commencing;

- (c) 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	\$ 356	2E97003.BGY0
Open Space: New Parks	\$1,524	2E97009.BGY0
Accessibility And Transport	\$ 10	2E97006.BGY0
Management	\$ 50	2E97007.BGY0
Total	\$1,940	

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.

$$\text{Contributions at Time of Payment} = C \times \text{CPI}_2$$

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 construction certificate or re-commencement of the use.

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;

- (d) 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;
- (e) 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);

- (f) That the Construction Certificate Application shall include full details of BCA Fire Resistance measures proposed to ensure the premises complies with the BCA in respect of Fire Safety;
- (g) That a garbage room or garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (h) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (i) That plans and specifications showing details of:

- (a) all required mechanical ventilation systems;
- (b) the garbage room;

-shall be submitted with the Construction Certificate.

- (2) That the final Plan of Management shall be fully complied with at all times, and all strategies included therein, to the satisfaction of Council, the Kings Cross Police, the Kirkton Road Centre and the Sex Workers Outreach Program (SWOP);

Council shall be notified within one week of any changes to the Plan of Management, such as health requirements, management, emergency and security procedures, including details of any changes to the proprietors or owners of the business;

- (3) That the proprietor shall be responsible for ensuring that the premises is run in accordance with the conditions of consent, including the approved Plan of Management and the strategies included therein;
- (4) That the development shall be generally in accordance with plans numbered 97023,01-04 dated 11 March 1999 as amended by other conditions of this consent;
- (5) That no people (commonly known as "spruikers") shall be on the property or the public way, publicising the use of the premises;
- (6) That all unauthorised signage relating to this use shall be removed and a separate Development Application shall be submitted at the appropriate time for any proposed signs;
- (7) 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;
- (8) That the adequate receptacles with close fitting lids shall be provided for the separate storage of used and clean linen;
- (9) That the proprietor shall ensure that all linen, towelling and other bed coverings which comes into contact with clients shall be changed immediately after each use;
- (10) That the proprietor shall enter into a commercial contract to launder linen or install and use a commercial washing machine capable of washing at a temperature of not less than 70⁰ Celsius;

- (11) That the proprietor shall provide an adequate supply of condoms, dental dams and water based lubricant free of charge for sex workers and their clients;
- (12) That the proprietor shall provide written information, ie. pamphlets and brochures, for sex workers and their clients on sexually transmitted infectious diseases in a variety of languages including those of any sex worker who has difficulty communicating or reading the English language;
- (13) That the proprietor shall ensure that sex workers are adequately trained to examine clients for any visible evidence of sexually transmitted disease and that examinations are conducted before any sexual contact;
- (14) That the proprietor shall ensure that all sex workers undertake regular sexual health check-ups and that accurate records are kept indicating the frequency of such check-ups;
- (15) That the use of the premises shall not give rise to:-
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;
- (16) That the proprietor's attention is drawn to Section 13 of the Public Health Act, 1991, which makes it an offense to knowingly permit sex workers suffering from a sexually transmissible disease to have sexual intercourse with other persons unless the client has been informed of the risk and voluntarily agreed to accept the risk;
- (17) That all required mechanical ventilation systems be operating at all times when the premises are occupied;
- (18) That a smoke hazard management system be installed in accordance with the Building Code of Australia;
- (19) That plans and specifications showing details:
 - (a) the smoke hazard management system;

- (b) the layout, disposition and method of installation of fixtures and fittings;
 - (c) together with wall, floor and ceiling finishes to all food/drink preparation and storage areas.
- (20) That the premises shall be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times;
 - (21) That clean linen and towels shall be provided for the use of each client;
 - (22) That the proprietor shall enter into a commercial contract to launder linen or install and use a commercial washing machine capable of washing at a temperature of not less than 70⁰ Celsius;
 - (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 a maximum of eight sex workers shall work on the premises at any time.

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.

7.

CHURCH STREET, NO. 4, PADDINGTON - ALTERATIONS AND ADDITIONS TO DWELLING - DEVELOPMENT APPLICATION (U99-00168)

- (A) That the Council as the responsible authority refuses its consent to the development application submitted by William Zuccon, with the authority of William Zuccon for permission for alterations and additions to the dwelling including conversion of attic for storage purposes, rear dormer and roof terrace, for the following reason, namely:-
 - (1) That Council does not have the authority to grant retrospective approval for building works.

- (B) That Council resolve not to take any action with respect to the unauthorised works provided that within three months of the date of this resolution a solid timber screen is erected on the northern wall of the seat so as to finish at a minimum height of 1.6m above the floor level of the terrace and that the timber screening on the remaining exposed walls of the terrace is increased in height so as to finish at a minimum of 1.8m above the floor level of the terrace.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

8.

WATKIN STREET, NO. 66, NEWTOWN - CONSTRUCTION OF SWIMMING POOL - DEVELOPMENT APPLICATION (U98-00701)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Wright Pools, with the authority of Mr Andrew Paul and Ms Louise Bacigalupo, for permission to construct an in-ground swimming pool at the rear of the abovementioned premises, subject to the following conditions, namely:-
- (1) That the pool coping shall be set at level of 1.4 metres below the floor level of the dwelling and that suitable privacy screens, extending to a height of at least 1.8 metres measured from the base of the planter box, shall be provided along the northern side of the swimming pool;
 - (2) That the proposed planter box shall be provided with suitable trees/shrubs in consultation with Council's Landscaping Section;
 - (3) That adequate means of draining the pool in a manner which will not cause illness to people or affect other property, shall be provided in accordance with P2.2.4 of the BCA;
 - (4) Building Damage and Encroachment Deposit¹ (\$300)
 - (5) Certificate of Insurance to Undertake Residential Building Work⁴
 - (6) Approved Plans (numbered "1" dated July, 1998)⁰¹
 - (7) Construction Certificate Required⁹¹⁵⁵
 - (8) Construction Hours⁹¹⁵¹
 - (9) Construction Noise⁷⁰⁰⁸
 - (10) Clean Water Discharge⁴⁰⁰²

- (11) Excavating Below Base of Footings⁹¹⁵⁸
- (12) Clean Water Discharge⁴⁰⁰²
- (13) Drainage Details with Construction Certificate⁹⁰¹³
- (14) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (15) Survey Certificate at Completion⁹⁰⁰²
- (16) Swimming Pool Warning Notices⁹⁰⁵²
- (17) Compliance with Sydney water^{BC37}
- (18) Swimming Pools Act^{BC21}
- (19) Footway Crossing^{PWS5}
- (20) Obstruction of Public Way^{PWS17}
- (21) Refuse Skips^{PWS18}
- (22) Emissions^{HSC101}
- (23) Test Pool Water^{HSC013}
- (24) Vibration and Noise^{HSC800}
- (25) Compliance with Building Code of Australia⁸⁵⁰¹
- (26) Residential Building Work⁸⁵⁰³
- (27) Retaining Walls and Drainage⁸⁵⁰⁵
- (28) Support for Neighbouring Buildings⁸⁵⁰⁶

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

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

Note: The applicant be advised that the applicant may be liable for prosecution under the Environmental Planning and Assessment Act for breach of an approval condition, or under the Clean Waters Act 1970 if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained, or allowed to flow to the street, stormwater pipes or waterways.

The applicant is advised to ensure that its employees, agents, or sub-contractors understand and maintain sediment control measures.

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

Carried.

9.

DARLINGHURST ROAD, NOS. 60 - 60B, POTTS POINT - REGULARISE USE AS BROTHEL - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00408)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Owens and Legge Design Partnership, with the authority of 62 Darlinghurst Road Pty Ltd, for permission to use the second floor of the premises at 60-60b Darlinghurst Road, Potts Point as a Brothel trading 24 hours daily, subject to the following conditions, namely:-

- (1) That the use shall cease immediately and not recommence until the following matters have been complied with and all necessary works undertaken to the full satisfaction of Council. This will require the submission and approval of a Construction Certificate, which must comply, with all conditions of this consent. This consent shall lapse if all matters are not complied with within six months of the date of this resolution of Council;

- (a) The Draft Plan of Management submitted with this application shall be amended to include additional details in the areas of linen, education of workers and their clients, provision and storage of latex products and examination of clients. Full operational and specific details shall be provided. In particular:

- Where will clean and soiled linen be stored?
- Who is responsible for changing bed coverings?
- Who will disinfect equipment and sex toys?

-further, actions to minimise the spread of disease need to be outlined in greater detail.

-the final Plan of Management shall be signed and dated by the owner and the manager of the premises and submitted to Council prior to the use re-commencing.

- (b) All works proposed by the Draft Plan of Management and the Action Plan shall be undertaken to the satisfaction of Council prior to this consent becoming operative.
- (c) 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	\$ 356	2E97003.BGY0
Open Space: New Parks	\$1,524	2E97009.BGY0
Accessibility And Transport	\$ 10	2E97006.BGY0
Management	\$ 50	2E97007.BGY0
Total	\$1,940	

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.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI}^2}{\text{CPI}^1}$$

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 construction certificate, or re-commencement of the use.

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.

- (d) 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;
- (e) 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);

- (f) That the Construction Certificate Application shall include full details of BCA Fire Resistance measures proposed to ensure the premises complies with the BCA in respect of Fire Safety;
 - (g) 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";
 - (h) That clean linen and towels shall be provided for the use of each client;
 - (i) That adequate receptacles with close fitting lids shall be provided for the separate storage of used and clean linen;
 - (j) That the proprietor shall ensure that all linen, toweling and other bed coverings which comes into contact with clients shall be changed immediately after each use;
- (2) That the final Plan of Management shall be fully complied with at all times, and all strategies included therein, to the satisfaction of Council, the Kings Cross Police, the Kirketon Road Centre and the Sex Workers Outreach Program (SWOP).

-Council shall be notified within one week of any changes to the Plan of Management, such as health requirements, management, emergency and security procedures, including details of any changes to the proprietors or owners of the business.

- (3) That the proprietor shall be responsible for ensuring that the premises is run in accordance with the conditions of consent,

including the approved Plan of Management and the strategies included therein;

- (4) That the development shall be generally in accordance with plans numbered 97023, 01-04 dated 11th March 1999 as amended by other conditions of this consent;
- (5) That no people (commonly known as "spruikers") shall be on the property or the public way, publicising the use of the premises;
- (6) That all unauthorised signs relating to this use shall be removed and a separate development application shall be submitted at the appropriate time for any proposed signs;
- (7) That the premises including 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;
- (8) That plans and specifications showing details of:-
 - (a) all proposed and altered mechanical ventilation systems
 - (b) the garbage room

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

- (9) That all required mechanical ventilation systems be operating at all times when the premises are occupied;
- (10) That a smoke hazard management system be installed in accordance with the Building Code of Australia;
- (11) That plans and specifications showing details:
 - (a) the smoke hazard management system
 - (b) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food/drink preparation and storage areas

-shall be included in the Construction Certificate;

- (12) The proprietor shall provide an adequate supply of condoms, dental dams and water based lubricant free of charge for sex workers and their clients;
- (13) The proprietor shall provide written information, ie. pamphlets and brochures, for sex workers and their clients on sexually transmitted infectious diseases in a variety of languages including

those of any sex worker who has difficulty communicating or reading the English language;

- (14) The proprietor shall ensure that sex workers are adequately trained to examine clients for any visible evidence of sexually transmitted disease and that examinations are conducted before any sexual contact;
- (15) The proprietor shall ensure that all sex workers undertake regular sexual health check-ups and that accurate records are kept indicating the frequency of such check-ups;
- (16) That the use of the premises shall not give rise to:
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;
- (17) The premises shall be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times;
- (18) The proprietor shall enter into a commercial contract to launder linen or install and use a commercial washing machine capable of washing at a temperature of not less than 70⁰ Celsius;
- (19) 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;
- (20) That a maximum of nine sex workers shall work on the premises at any time.

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

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

Note: That the proprietor's attention is drawn to Section 13 of the Public Health Act, 1991, which makes it an offense to knowingly permit sex workers suffering from a sexually transmissible disease to have sexual

intercourse with other persons unless the client has been informed of the risk and voluntarily agreed to accept the risk.

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

Carried.

10.

DARLINGHURST ROAD, NO. 169, DARLINGHURST - CHANGE OF OPERATING HOURS FOR RESTAURANT/USE FOR PUBLIC ENTERTAINMENT - DEVELOPMENT APPLICATION (U99-00392)

- (A) That pursuant to the provisions of Section 80(3) of the Environmental Planning and Assessment (amendment) Act 1979, Council, as the responsible authority grants its deferred commencement consent to the Development Application submitted by Haste Restaurant with the authority of Bostaran Pty Ltd for permission to change the operating hours of ground level restaurant and to use the premises for public entertainment, subject to the following conditions, namely:-

Deferred Commencement Requirements

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within three months of the date of this deferred commencement consent and shall be to the satisfaction of, and approved in writing by the Director of Planning and Building prior to the consent becoming operative. The applicant shall:
- (a) Submit to Council an acoustic assessment report carried out by an accredited acoustic consultant assessing and describing how the operation of the premises will comply with the recommended conditions of consent relating to noise emissions, namely Conditions (6) to (12);
 - (b) establish a garbage storage area on site, or in the storage area underneath the existing platform at William Street (Note: Use of any structure on the public way is subject to the approval of Council's Department of Public Works and Services);
 - (c) That the garbage storage area shall be to the satisfaction of the Director of Health and Community Services;
 - (d) That the garbage storage area shall be constructed in accordance with Council's Code for the Construction of Garbage handling Systems;

- (e) That the development shall accommodate recycling on site (contact the Council's waste services Section for details);

Hours of Operation

- (2) That the hours of operation of the restaurant/ public entertainment premises shall be restricted to between 7.30am to 12 midnight, Mondays to Wednesdays, and between 7.30am to 3.00am, Thursdays to Sundays;
- (3) That the operating hours of 12 midnight to 3.00am shall cease after a period of 12 months from the commencement of this consent. A further Development Application may be lodged before the expiration of the 12 months trial period for Council's consideration of the continuation of the proposed hours;

(The applicant is advised that Council will consider whether:

- (I) compliance has been given to the conditions of consent during the 12 months trial period;
 - (II) any complaints that have been received during the trial period;
 - (III) any adverse impacts arising from the use when considering a Development Application to renew the previous consent)
- (4) That the outdoor eating area on the public way shall not be used by patrons between 12.00 midnight and 7.30am;

Capacity of Premises

- (5) That the maximum capacity of the premises shall be 100 persons;

Noise and Management Conditions

- (6) That with regard to noise from patron activities external to the premises (ie patrons arriving and leaving), it is essential that suitable site management practices be adopted by the licensee to control noise and ensure that surrounding residential amenity is not reduced or impacted, the applicant shall:
 - (a) ensure that noise arising from any queues outside the premises is minimised, and shall employ door staff to ensure appropriate queue management;

- (b) comply with all the requirements of the Liquor Administration Board for the Responsible Service of Alcohol;
 - (c) ensure that all patrons access or egress the premises quietly;
 - (d) ensure that the outdoor seating area is closed off to patrons between 12.00 midnight and 7.30am at all times;
 - (e) ensure that all doors and windows are kept closed between 12.00 midnight and 7.30am and are only opened for the purpose of allowing patrons and staff to enter or exit the premises;
- (7) That the applicant shall become a fully paid member of the Kings Cross Licensing Accord, within one month of the consent becoming operative;
- (8) That no time shall any gambling/gaming be conducted on the premises without the prior consent of Council;
- (9) That the L_{A10} noise level emitted from the licensed premises shall not exceed 5dB(A) above the background (L_{A90} noise level in any Octave Band Centre Frequency (31.5Hz to 8Hz inclusive) between the hours of 10.00 am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises;
- (10) That the L_{A10} noise level emitted from the licensed premises shall not exceed the background (L_{A90}) noise level in any Octave Band Centre Frequency (31.5Hz to 8Hz inclusive) between the hours of 12.00 midnight to 3.00am and 7.30am to 10.00am, when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises;
- (11) That notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises;
- (12) That the use of the premises shall not give rise to transmission of vibration to any place of different occupancy;
- (13) That no garbage or waste arising from the use of the premises shall be placed on any footpath or roadway at any time;
- (14) That the applicant shall enter into a contract for the daily collection of trade waste.

Note: Where any of these conditions are inconsistent with the requirements imposed by the Liquor Administration Board or Licensing Court, the more stringent conditions shall prevail;

BCA Requirements

- (15) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (16) That in the event of any process in any room being of such nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given off, an approved air handling system shall be installed;
- (17) That all air handling, evaporative cooling, hot water, humidifying, warm water and water cooling systems installed on the premises shall comply with the Public Health Act 1991 and Public Health Regulations 1991;
- (18) That the occupant capacity for the Public Entertainment shall be restricted to the maximum permitted under Clauses D1.13 and D.1.6 of the BCA;
- (19) That an additional exit shall be provided which shall fully comply with the requirements of Part D of the BCA;
- (20) That smoke hazard management shall comply fully with the requirements of Part E2.2 of the BCA;
- (21) That all relevant sections of the BCA shall be complied with;
- (22) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (23) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (24) That entertainment shall not be conducted on the premises until a Certificate of Classification has been issued;
- (25) That unobstructed access shall be provided and maintained to all exits at all times;
- (26) That the edges of the treads of steps shall be made conspicuous;

- (27) That the entertainment area shall be separated from the rest of the building by construction having a fire-resistance level of not less than 60/60/60;
- (28) That in any auditorium or foyer of a place of public entertainment any curtain or blind shall comply with the requirements of Specification C1.10.4(d) of the BCA;
- (29) That fabric used to cover closed-back upholstered chairs in any part of a place of public entertainment shall comply with the requirements of Specification C1.10.4(d) of the BCA;
- (30) 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;
- (31) 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;
- (32) That 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;
- (33) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (34) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (35) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (36) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (37) That this approval is granted without prejudice to any further action being taken under Section 121B of the Environmental Planning and Assessment Act 1979 (as amended), in respect of the provision of adequate fire safety and egress in the building.

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.

11.

ELIZABETH BAY ROAD, NOS. 96 - 98, ELIZABETH BAY - ENCLOSE TWO EXISTING BALCONIES, INSTALL SKYLIGHTS AND MAKE INTERNAL ALTERATIONS AND ADDITIONS TO TOP FLOOR UNIT (UNIT 20) - DEVELOPMENT APPLICATION (U99-00493)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Russell Edwards Design Services Pty Ltd, with the authority of Ashdown Home Units Pty Ltd to enclose two existing balconies, install skylights and make internal alterations and additions to top floor unit (unit 20), 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 the development shall be generally in accordance with the plan numbered DA-01 dated May 1999 and stamped "approved", as amended by conditions of this consent;
 - (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$110, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (4) That natural light and ventilation shall comply with the provisions of Part F of the Building Code of Australia;

and the following adopted standard conditions:-

- (5) Refuse Skips⁶⁰⁰²
- (6) Compliance with Building Code of Australia⁸⁵⁰¹
- (7) Signs Erected on Building and Demolition Sites⁸⁵⁰⁸
- (8) Comply With BCA⁹¹⁰⁴
- (9) Construction Certificate Required⁹¹⁵⁵
- (10) Obstruction of Public Way³⁰²⁹
- (11) Delivery of Construction Materials³⁰³²
- (12) Construction Hours⁹¹⁵¹
- (13) Works Within Boundary⁹¹⁵²
- (14) Ventilation⁷⁰²³

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

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

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

Carried.

12.

KINGS CROSS ROAD, NO. 1, DARLINGHURST - BUSINESS IDENTIFICATION SIGNAGE - DEVELOPMENT APPLICATION (U99-00196)

- (A) That the Council as the responsible authority grants its consent to the application submitted by East Developments Pty Ltd with the authority of same for permission to erect a Business Identification Sign for a Real Estate Agent's Office, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 3848/A10, dated 24 August 1998;

- (2) That no flashing, moving or intermittent lighting shall be installed on the premises or on any external sign associated with the development;
- (3) That the intensity, colour, period of intermittency and/or hours of illumination of the sign shall be varied if, at any time in the opinion of the Council, injury is being caused to the amenity of the area;
- (4) That the proposed signage shall:
 - (a) not flash, move, be animated, scintillate or be decorated with rotating flashing lights at any time without the consent of the Council;
 - (b) not have attached apparatus to provide any sound;
 - (c) be neatly affixed to the building (any damage caused shall be promptly repaired with matching materials);
 - (d) not cover any architectural features or windows;
 - (e) not carry a message(s) which is offensive;
- (5) That all relevant sections of the BCA shall be complied with;
- (6) 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.

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 Owners of the Elan shall be advised that Council will consider no additional signage in this location at the front of the building in the future.
- (C) That all persons who made representations shall be notified of the decision.

Carried.

13.

ELIZABETH STREET, NOS. 73/543 - 551, SURRY HILLS - USE OF GROUND FLOOR TENANCY FOR THE PURPOSE OF A RESTAURANT - DEVELOPMENT APPLICATION (U99-00356)

This matter was submitted to Council without recommendation.

Moved by Councillor Fowler, seconded by Councillor Bush:-

That the application be deferred for a further report regarding the clarification of amended plans and also the garbage outlets and ventilation being improved on the site.

At the request of Councillor Deftereos, and by consent, the motion was amended by the further report to Council mentioned above including a revised condition (5) regarding door access.

Motion, as amended by consent, carried.

14.

VICTORIA STREET, NOS. 314 - 318, DARLINGHURST - ERECT NEW SIX LEVEL RESIDENTIAL/COMMERCIAL BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00590)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Faim Pty Ltd with the authority of Tefig Pty Ltd (Owner) for permission to demolish the existing buildings on the abovementioned site and erect a new six level building comprising 17 residential units, 160m² of retail floor space and 10 parking spaces subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1,200 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first 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 \$2,000 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	\$ 4,834	2E97003.BGY0
Open Space: New Parks	\$24,412	2E97009.BGY0
Accessibility And Transport Management	\$ 146	2E97006.BGY0
	\$ 398	2E97007.BGY0
Multi-Function Admin Centre	\$ 7,222	2E970008.BGY0
Total	\$37,012	

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 use is commenced or the premises occupied.

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 A2.00, 2..01, 2.02, A3.00, 3.01, 3.02, A4.00, A5.00, dated March 1999;
- (5) That a minimum of eight units shall be kept available for rental occupation for a period of 2½ years from completion of the development at a rental not exceeding \$110 a week for the first year increasing by no more than the CPI for each year thereafter for a period of 30 months. Details of the arrangement made for

the provision of these units shall be submitted to Council and separate approval obtained prior to commencement of construction. These units shall be let for a minimum of 30 months under the standard terms of the Residential Tenancies Act 1987 and shall be first offered to former residents of the building followed by persons as nominated by Council, using criteria referred to in condition (8) below;

- (6) That residents of the building at the time of expiry of the 30 month period referred to in the above condition shall be assisted in finding suitable alternative accommodation if required. Such assistance will include a minimum of one months notice, payment of relocation costs of \$500, a one off relocation payment to each tenant equivalent to one months rent of alternative premises in the locality and making of inquiries with local real estate agents regarding alternative low cost accommodation. This condition does not derogate from any individual's right to claim compensation from the property owner;
- (7) That a social housing provider operating in the locality shall be appointed as managing agent for the units referred to in condition (5) above. A contact for the relevant social housing provider shall be submitted for approval to Council and the Office of Community Housing prior to commencement of construction. The Office of Community Housing shall consult with the Department of Housing prior to approving the appointment of any particular social housing provider;
- (8) That should a resident occupying any of the units referred to in condition (5) vacate the premises, the social housing provider will tenant the unit with the first person on their waiting list who satisfies the criteria as determined by Council's Director of Health and Community Services (the criteria being maximum income level, housing stress and existing residence in the local government area);
- (9) That the above requirements (conditions 5-8) shall be incorporated in a public positive covenant to be imposed upon the title of the 2 units prior to the release of any plan of subdivision of the building. The terms of that covenant are to be incorporated in a deed, which shall be executed within 28 days of the consent. A draft of the deed shall be referred for approval of the Department of Housing prior to execution;
- (10) That a separate Development Application shall be lodged for the specific use of the retail units

- (11) That the development shall, wherever practicable, 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 a report providing full details of proposed energy conservation measures shall be included with the Construction Certificate;
- (12) 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;
- (13) That any external glazing shall have a reflectivity not exceeding 20%;
- (14) That the existing lots shall be consolidated into one single lot prior to the issuing an Occupation Certificate;
- (15) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing an Occupation Certificate;
- (16) That a separate Development Application shall be submitted at the appropriate time for any proposed signs;
- (17) 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;
- (18) That a maximum of 10 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (19) That the parking spaces shall be allocated on the basis of 8 spaces for residents and one space for each of the retail units.

No visitor spaces shall be provided. No unit shall have more than one space;

- (20) 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;
- (21) That all vehicles shall always be driven onto and off the site in a forward direction;
- (22) That the vehicular crossing shall be treated in such a manner as to provide a safe walking surface, prior to occupation;
- (23) That all relevant sections of the BCA shall be complied with;
- (24) 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;
- (25) That a Archival Record including a photographic record and measured drawings, in accordance with the NSW Heritage Office Guidelines, is to be carried out of the existing buildings on the site and lodged with Council prior to the release of the Construction Certificate;
- (26) That as there is reasonable cause to suspect the site has archaeological potential, an Excavation Permit is to be obtained from the New South Wales Heritage Office prior to any excavation or sub-surface work;
- (27) That no garbage shall be placed on the public way (eg footpaths, roadways) at any time;
- (28) That a separate garbage/recycling storage area for commercial use shall be provided;
- (29) That the domestic garbage/recycling area be able to accommodate 9 x 240 litre mobile garbage bins;

- (30) That the premises, including all internal rooms not provided with adequate natural ventilation shall be ventilated in accordance with the requirements of Australian Standard 1668 Parts 1 and 2 and Council's Ventilation Code;
- (31) That the car park shall be ventilated in accordance with Australian Standard 1668-199.1 Section 7 and Australian Standard 1668.2 Section 4;
- (32) That an Environmental Site Assessment (Contamination Assessment) shall be carried out in accordance with the requirements of the Environment Protection Authority. This assessment shall be reviewed by a Site Auditor who is accredited under Part 4 of the Contaminated Land Management Act 1997 and a site audit statement be submitted to Council in accordance with Schedule 1 Form 1 Contaminated Land Management (Site Auditors) Regulation 1998;
- (33) That a Management Plan for the abatement of noise and the suppression of dust during excavation and building work shall be submitted with the Construction Certificate;
- (34) That the construction of any proposed food premises shall comply with the requirements of National Code for the Construction and Fitout of Food Premises;
- (35) That any proposed food premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances;
- (36) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (37) That all masonry air ducts and plant rooms shall be cement rendered and finished to ensure that the ducts and plant rooms are air-tight;
- (38) That the door to the plant rooms shall be self-closing and close-fitting under fan operating conditions;
- (39) That all liquid stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (40) That the storage and handling of garbage shall comply with the requirements of Council's "Waste/Minimisation Fact Sheets";

- (41) That the garbage room shall be constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (42) That the applicant shall enter into a commercial contract for the daily removal of trade waste from any commercial premises;
- (43) That the grease arrestor room's floor, walls and ceiling shall be constructed of solid material and sealed to prevent the escape of odours;
- (44) That the door of the grease arrestor room shall be made air-tight when closed;
- (45) That a permanent waste line from the grease trap room with a connection at the boundary of the premises shall be provided to enable the removal of waste from the grease arrestor;
- (46) 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:
 - (a) all proposed mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial food premises;
 - (d) the garbage chute;

-shall be submitted with the Construction Certificate:
- (47) That noise and vibration from the use of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975;
- (48) That the use of the premises shall not give rise to:
 - (a) transmission of vibration to any place of different occupancy, or
 - (b) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (c) an "offensive noise" as defined in the Noise Control Act, 1975;

- (49) That a qualified Landscape Architect or designer shall prepare a landscape plan and specification for the site. The plan shall nominate hard works and soft works 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) and irrigation. The plans shall contain construction details that comply with the following conditions;
- (50) That minimum soil depth for on slab planting shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth of mulch and a suitable waterproofing and drainage layer;
- (51) That the developer shall arrange for a final inspection of the landscape works with Council prior to any occupation.

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.

15.

CROWN STREET, NO. 238, DARLINGHURST - ALTERATIONS AND ADDITIONS TO AN EXISTING BUILDING - DEVELOPMENT APPLICATION (U99-00236)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by R L Starr with the authority of Mr and Mrs L Brooks and Jett Jarvis for permission to carry out alterations and additions to an existing building and use of the building for commercial purposes, 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 \$140, 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 9789/01 and 9789/02 dated November 1998;
- (4) That a separate Development Application shall be lodged for the specific use of the commercial tenancies;
- (5) That at no time shall either of the commercial tenancies be used for residential purposes;
- (6) That the front awning located on the Crown Street façade shall be removed from the facade. Should the applicant wish to replace the awning with a new awning, such shall be of a traditional style that is to the satisfaction of Council's heritage planner. Details shall be submitted to Council with the Construction Certificate;
- (7) That the existing breezeway between the subject site and No. 240 Crown Street shall be reinstated and all timber cladding enclosing this area shall be removed from the facade of the building;
- (8) That the shower / bath facility proposed for the bathroom for the rear ground floor commercial tenancy shall be deleted from the plan. The amended bathroom layout shall be indicated on the plans accompanying the Construction Certificate;
- (9) That the proposed new steel framed staircase to the roof terrace, the covered doorway entry and balustrades proposed in association with the roof terrace shall be deleted from the proposal. The roof terrace shall not form part of this approval whatsoever;
- (10) That all existing structures and frames be removed from the roof of the rear building fronting Langley Street;
- (11) That the first floor window in the southern elevation shall not be bricked up and shall remain intact;
- (12) 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;

- (13) That door D6 shall be protected by a self closing -/60/30 fire door in accordance with the requirements of C3.2 and C3.4 of the BCA;
- (14) That a survey certificate shall be submitted from a registered surveyor to the effect that the proposed building has been set out so that all work is located within the allotment boundaries. This shall be submitted prior to foundation excavations being commenced. Amended architectural details shall be submitted prior to the release of the construction certificate;
- (15) That the northern side of the building shall be provided with an external wall similar to that on the southern side. Alternatively, with the written consent of the adjoining owner, the existing wall may be reconstructed as a party wall;
- (16) That structural details shall be submitted for assessment with the construction certificate together with a certificate from a registered structural engineer verifying compliance with the relevant design standards and certifying adequacy of the building;
- (17) That the non-operational sprinkle system shall be removed;
- (18) That the proposed work shall be constructed in Type (B) construction in accordance with the requirements of specification C1.1-(4) of the BCA;
- (19) That no stormwater shall be discharged through the lines of adjoining properties;

and the following adopted standard conditions:

- (20) Compliance with Building Code of Australia⁸⁵⁰¹
- (21) Survey Certificate at Completion⁹⁰⁰²
- (22) Structural Design Certificate⁹⁰⁰⁶
- (23) Stormwater Design Certificate⁹⁰¹⁴
- (24) Drainage Details with Construction Certificate⁹⁰¹³
- (25) Stormwater Certificate at Completion⁹⁰¹⁶
- (26) Issue of Occupation Certificate⁹¹⁰¹
- (27) Repair to Party Wall⁹¹⁰⁷

- (28) Compliance with Building Code of Australia⁸⁵⁰¹
- (29) Support for Neighbouring Buildings⁸⁵⁰⁶
- (30) Construction Hours⁹¹⁵¹
- (31) Works Within Boundary⁹¹⁵²
- (32) Building/Demolition Noise Control⁹¹⁵⁶
- (33) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (34) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (35) Commencement of Structural Works⁹²⁰²
- (36) Glazing Provisions⁹³³⁰
- (37) Storage Cupboards Under Required Non-Fire Isolated Stairs⁹⁴¹⁵
- (38) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (39) Portable Fire Extinguishers be Installed⁹⁵⁰²
- (40) Fire Blanket be Installed⁹⁵⁰³
- (41) Emergency lighting⁹⁵¹⁸
- (42) Exit signs⁹⁵¹⁹
- (43) Fire detection and alarm system⁹⁵²²
- (44) Protection of walls and floors in wet areas⁹⁶⁰¹
- (45) Damp and weather proofing⁹⁶⁰⁶
- (46) Mechanical ventilation⁹⁶¹⁵
- (47) Construction of External Walls for Dampness⁹⁶²³
- (48) Flashings to Boundary Walls⁹⁶²⁵
- (49) Refuse Skips⁶⁰⁰²
- (50) Commercial Garbage Storage⁶⁰⁰⁴
- (51) Noise⁷⁰²⁸
- (52) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶

(53) Obstruction of Public Way³⁰²⁹

(54) Delivery of Construction Materials³⁰³²

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.

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 the persons who made submissions in respect of this application be notified of Council's decision.

Carried.

16.

FRANCIS STREET, NO. 29, EAST SYDNEY - ALTERATIONS AND ADDITIONS TO THE REAR OF AN EXISTING TERRACE - DEVELOPMENT APPLICATION (U99-00410)

(A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Crosling and Associates, with the authority of Mr King and Ms Nash, to undertake alterations and additions to the rear of the existing terrace involving a higher roof for an existing skillion, removal of a covered courtyard and demolition of internal walls, 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 a construction certificate, it will be necessary to produce evidence of the payment 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, can be paid to the Council;
- (3) That the development shall be generally in accordance with the plans labelled Drawing Number 9920100/01 through to and including 992010/10, stamped approved, and held in Council's file U99/00410, except as conditioned below;

and the following adopted standard conditions:

- (4) Obstruction of Public Way³⁰²⁹
- (5) Delivery of Construction Materials³⁰³²
- (6) Refuse Skips⁶⁰⁰²
- (7) Ventilation⁷⁰²³
- (8) Noise and Vibration⁷⁰²⁶
- (9) Soil and Sediment Prosecution Note⁷⁰⁶⁹
- (10) Structural Details with Construction Certificate⁹⁰⁰⁷
- (11) Construction Hours⁹¹⁵¹
- (12) Works Within Boundary⁹¹⁵²
- (13) Building/Demolition Noise Control⁹¹⁵⁶
- (14) Protection of External Walls⁹³²³
- (15) Glazing Provisions⁹³³⁰
- (16) Smoke alarms⁹⁵²³
- (17) Protection of walls and floors in wet areas⁹⁶⁰¹
- (18) Protection of walls and floors in wet areas⁹⁶⁰²
- (19) Clothes washing, drying and cooking facilities⁹⁶⁰⁴
- (20) Damp and weather proofing⁹⁶⁰⁵
- (21) Damp and weather proofing⁹⁶⁰⁶
- (22) Natural light and ventilation⁹⁶¹³

(23) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶

- (B) That the applicant is advised that prior to commencing building work:
- (1) a principal certifier must be appointed (Council or an accredited certifier);
 - (2) the Council must be notified in writing of the appointment (if Council is not appointed), quoting the reference number; and
 - (3) written notice must be given to Council at least two days prior to commencement of building Work.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

17.

ERSKINEVILLE ROAD, NO. 81, ERSKINEVILLE - PROPOSED GARAGE AND FIRST FLOOR ADDITION TO RESIDENCE ABOVE A SHOP - DEVELOPMENT APPLICATION (U98-01309)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Dimitrios Fotini for permission to extend the ground and first floors to the rear of the abovementioned premises, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1,050 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 \$140, 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 amended plans numbered sheets 1-6, dated 14 December 1998 subject to the eastern lounge room wall being reduced by 1500mm for a depth of 2425mm and, if the applicant so decides extending the southern most lounge wall into the balcony area by 1200mm, as indicated in red on the approved plan. Details indicating this change to be included in the application for a construction certificate;
- (4) That lattice type screens 1.6m high shall be placed along the first 3m of the eastern edge of the balcony from the rear of the building;
- (5) That a 1m wide planter box containing suitable screening plants shall be placed along the laneway edge of the balcony;
- (6) That the proposed work shall be constructed in Type (B) construction in accordance with the requirements of specification C1.1-(4) of the BCA;
- (7) That the floor above the shop and garage area shall have a fire resistance level of at least 30/30/30 or be protected by a ceiling with resistance to the incipient spread of fire of one hour;
- (8) That the proposed external walls shall have a fire resistance level of at least 2 hours;
- (9) That the proposed internal timber stair shall be fully enclosed by one hour resistant material and shall discharge directly to the open area (without travelling through the garage). The plans shall be revised accordingly;
- (10) That the proposed windows at the western end shall be fire protected to comply with the requirements of Clause C3.2 of the BCA;
- (11) That the proposed sky light bedroom No.3 shall be of the openable type;
- (12) That balustrades to the proposed balcony shall comply with the requirements of Clause D2.16, D2.17 of the BCA;
- (13) That natural light and ventilation shall be provided in accordance with the requirements of Part F4 of the BCA;

- (14) That internal bathrooms and laundries shall be mechanically ventilated to comply with the requirements of Clause F4.5 of the BCA;
- (15) That suitable automatic fire detection and alarm system shall be installed to comply with Specification E2.2a of the BCA;
- (16) That the developer shall make application to the Director of Public Works and Services for the provision and meet the cost of the necessary vehicular footway crossings and bear the cost of the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required;
- (17) That the developer shall submit for the approval of the Director of Public Works and Services the details of the stormwater disposal and drainage for the development;
- (18) That the garage shall not be used for commercial storage;
- (19) That the residence shall be used in conjunction with the commercial premises;

and the following adopted standard conditions:

- (20) Alignment Levels¹⁰¹⁶
- (21) Cost of Signposting³⁰²⁶
- (22) Footway Crossing³⁰²⁸
- (23) Obstruction of Public Way³⁰²⁹
- (24) Delivery of Construction Materials³⁰³²
- (25) Stormwater Standard⁴⁰⁰¹
- (26) Refuse Skips⁶⁰⁰²
- (27) Construction Noise⁷⁰⁰⁸
- (28) Construction Hours⁹¹⁵¹
- (29) Works Within Boundary⁹¹⁵²
- (30) Ventilation⁷⁰²³
- (31) Noise and Vibration⁷⁰²⁶
- (32) Natural Light and Ventilation/Skylights⁹⁶¹⁴

(33) Clean Water Discharge⁴⁰⁰²

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.

- (B) That the persons who made representation with respect to the proposal be advised by Council's decision.
- (C) That the granting of this consent does not create a precedent in relation to the size of the proposed deck.

Carried.

18.

PRIMROSE AVENUE, NO. 50, ROSEBERY - REMOVE KLIPLOCK ROOF AT REAR AND EXTEND ROOF TO MATCH EXISTING TERRACOTTA ROOF - DEVELOPMENT APPLICATION (U99-00472)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr D Galanos (with the authority of the joint owner Mrs D Galanos), for permission to remove the existing Kliplock metal roof and extend the existing terracotta roof of the existing dwelling 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 \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That the development shall be generally in accordance with plans numbered 145/1A Dated May 1999, except where amended by conditions of consent;

- (3) That the proposed new roof tiles shall match those of the existing roof;
- (4) That all building work must be carried out in accordance with the provisions of the Building Code of Australia.

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

- (5) That stormwater drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with AS3500 Part 3 and Code of Standard Requirements for the discharge of stormwater;
- (6) 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;
- (7) That all relevant sections of the BCA shall be complied with;
- (8) 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);
- (9) That all proposed work shall be wholly within the boundaries of the site;
- (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 the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (12) That the demolition work shall comply with Australian Standard 2601-1991;
- (13) 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;

- (14) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (15) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (16) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (17) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (18) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (19) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers).

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.

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

Carried.

19.

SURREY STREET, NO.62, DARLINGHURST - CONVERSION OF TERRACE HOUSE TO FIVE FLATS - DEVELOPMENT APPLICATION (U99-00453)

(At the Council meeting Councillor Waters declared an interest in the Item and did not take part in discussions or voting.)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Mohamed Dowidar, with the authority of Chookri Dowidar, for permission to use a terrace house as five residential flats, for the following reasons, namely:-
- (1) That the proposal constitutes an overdevelopment of the site;
 - (2) That Unit 2 does not comply with the minimum light and ventilation standards in the BCA;
 - (3) That inadequate on-site open space is provided for five units;
 - (4) That the stated provision of two car spaces is incorrect and no car spaces can be provided;
 - (5) That no justification has been given to the proposed façade changes;
 - (6) That approval in the circumstances would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That the Council's Solicitors be authorised to commence legal action for the cessation of the use of the building for residential flats.

Carried.

20.

STEWART STREET, NO. 65, PADDINGTON - ALTERATIONS AND ADDITIONS TO REAR OF EXISTING TERRACE - DEVELOPMENT APPLICATION (U98-01072)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

(A) That the Council as the responsible authority grants its consent to the application submitted by Ms L Giddings for permission to make alterations and additions to the rear of an existing terrace, subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1,350 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 \$180, 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 the plans No. 702-01B and 702-02B received with the development application and modified by conditions contained in this consent;
- (4) That the existing palm tree shall be replaced on the property with a suitable mature species, no less than 2m in height;
- (5) That a planter box, matching that proposed on the first floor terrace shall be provided along the uncovered portion of the western side of the elevated ground floor terrace;
- (6) That any weep holes to adjoining properties shall be sealed;
- (7) 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:
 - (a) all required mechanical ventilation systems;

and the following adopted standard conditions:-

(8) Treat Proposed External Walls¹¹³

(9) Details of Materials – Deferred Consent¹¹⁶

- (10) Stormwater Standard⁴⁰⁰¹
- (11) On Slab Planting⁵⁰¹³
- (12) Compliance with Building Code of Australia⁸⁵⁰¹
- (13) Residential Building Work⁸⁵⁰³
- (14) Retaining Walls and Drainage⁸⁵⁰⁵
- (15) Support for Neighbouring Buildings⁸⁵⁰⁶
- (16) Protection of Public Places⁸⁵⁰⁷
- (17) Signs Erected on Building and Demolition Sites⁸⁵⁰⁸
- (18) Structural Design Certificate⁹⁰⁰⁶
- (19) Drainage Details with Construction Certificate⁹⁰¹³
- (20) Comply With BCA⁹¹⁰⁴
- (21) Comply With the WorkCover Authority⁹¹⁰⁵
- (22) Works Within Boundary⁹¹⁵²
- (23) Construction Certificate Required⁹¹⁵⁵
- (24) Smoke alarms⁹⁵²³
- (25) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (26) Commencement of Structural Works⁹²⁰²
- (27) Protection from Termites⁹²⁰³
- (28) Building/Demolition Noise Control⁹¹⁵⁶
- (29) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (30) Cost of Signposting³⁰²⁶
- (31) Footway Crossing³⁰²⁸
- (32) Obstruction of Public Way³⁰²⁹
- (33) Refuse Skips⁶⁰⁰²
- (34) Clean Water Discharge⁴⁰⁰²

(35) Ventilation⁷⁰²³

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

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

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

At the request of Councillor Deftereos and by consent the motion was amended by the addition of a clause (36) to the recommendation namely:-

(36) That the ground floor terrace be lowered by 300mm.

Amendment carried.

At the request of Councillor Harcourt and by consent, the motion was further amended by the addition of the following words "and that the dividing wall be reduced by the same distance " to Condition (36).

Amendment carried.

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

21.

FORBES STREET, NOS. 159 - 163, DARLINGHURST - USE HALL FOR PUBLIC ENTERTAINMENT - DEVELOPMENT APPLICATION (U99-00541)

Deferred:-

- (a) for a public meeting to be held at a date and time to be notified;
- (b) for a Visit of Inspection to be held on Saturday, 24 July 1999 at 10.00 a.m.

NOTE: Inspection was carried out by Councillors and Staff on Saturday, 24 July 1999.

It was moved by Councillor Fowler, seconded by Councillor Deftereos, 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 recommendation of the Acting Director of Public Works and Services dated 16 July 1999, be approved and adopted.

Amendment negatived.

It was moved by Councillor Macken, seconded by Councillor Waters, 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 to the next Planning and Development Committee to be held on 4 August 1999.

Amendment negatived.

Motion carried.

22.

FORBES STREET, NOS. 159 - 215, DARLINGHURST – ERECTION OF TEMPORARY FACILITIES ON SCEGGS SITE – DEVELOPMENT APPLICATION (U98-01089)

Deferred:-

- (a) for a public meeting to be held at a date and time to be notified;
- (b) for a Visit of Inspection to be held on Saturday, 24 July 1999 at 10.00 a.m.

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

- (A) That pursuant to the provisions of the Environmental Planning and Assessment (amendment) Act 1979, Council, as the responsible authority grants its consent to the development application submitted by SCEGGS Darlinghurst for permission to erect temporary facilities on the site, subject to the following conditions, namely:-
 - (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$11 100 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this 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 \$2400 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 980314-AR.DA.01 to AR.DA.6 and endorsed by council, subject to amendment outlined below;
- (4) That the proposed temporary facilities at the St Peters Church site shall be deleted, and no other associated construction work proposed on the site in conjunction with the temporary facilities on the St Peters church site shall be undertaken without the further consent of Council;
- (5) That the ratio of the site area to the pupils at the school shall not be below 15.2 square metres;
- (6) Notwithstanding the above, the desired maximum student population proposed by SCEGGS in its Masterplan submitted in March 1999 shall not be achieved until all existing school facilities are brought into line with DPWS and DSE guidelines for classroom and facility size;
- (7) That the proposed temporary facilities on the site shall not be used to accommodate additional student numbers and shall only serve as replacement facilities during construction works. The temporary classrooms shall not be used to cater to an increase in the existing size of the SCEGGS student population;
- (8) That the temporary classrooms shall be removed within one month after an Occupation Certificate is issued for the proposed refurbishment and extension of the "Yellow Building" unless a Development Application has been lodged and approval and an occupation certificate issued for the following;
 - New Primary School Facilities;
 - New Performing Arts Building;
 - New Science and Technology Building;
 - Refurbishment on Extension of the "Old Gym", "Science and Library" Buildings, "Barham" and the "Chapel" building;
- (9) That notwithstanding the above, the temporary facilities shall be removed within 5 years;
- (10) That with regard to potential noise impacts arising from the location of temporary facilities at the Forbes street car park, it is essential that suitable site management practices be adopted by SCEGGS to control noise and ensure that surrounding residential amenity is not reduced or impacted;

- (11) The L_{A10} noise level emitted from the temporary facilities shall not exceed 5dB(A) above the background (L_{A90}) noise level in any Octave Band Centre Frequency (31.5Hz to 8Hz inclusive) up to 9.00pm, 7 days when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises;
- (12) That the temporary facilities shall only be used between 8.00am and 4.00pm, Monday to Friday;
- (13) That the use of the premises shall not give rise to transmission of vibration to any place of different occupancy;
- (14) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (15) That no windows or other openings on the southern wall of the temporary facilities in Forbes Street car park shall be located above the brick wall immediately adjacent to the facilities at the southern boundary;
- (16) That any air conditioning system or mechanical ventilation system outlet shall be located at the northern elevation of the temporary facilities at the Forbes Street Car park, no equipment which emits noise shall be located at the southern elevation of the building;
- (17) That the temporary facilities shall comply with all the requirements of the BCA;
- (18) 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;
- (19) 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;
- (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 proposed work shall be wholly within the boundaries of the site;
- (22) 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;
- (23) 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);
- (24) 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;
- (25) 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;

- (26) 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);
- (27) That an acoustical investigation of the proposed development is to be undertaken by a suitably qualified acoustical consultant describing and assessing the impact of noise emissions from the proposal. The investigation shall include but not be necessarily limited to the following:
- (a) The identification of sensitive noise receivers potentially impacted by the proposal;
 - (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and in accordance with relevant Australian Standards and EPA requirements);
 - (c) The formulation of a suitable assessment criteria having regard to the guidelines contained in the NSW, EPA, Environmental Noise Control Manual or the NSW, EPA Draft Stationary Noise Source Policy;
 - (d) The identification of operational noise producing facets of the development and the subsequent prediction of resultant noise at the identified sensitive receiver locations from the operation of the premises. Where appropriate the prediction procedures shall be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation;
 - (e) A statement indicating that the development is capable of complying with the criteria together with details of acoustic control measures that will be incorporated into the development.

NOTE: control measures that alter the built form of the proposal may require incorporation into the development plans and statement of environmental effects.

- (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:
- (a) all proposed mechanical ventilation systems;
 - (b) all required mechanical ventilation systems;

- (29) 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;

- (30) That a certificate shall be submitted from a licensed builder or architect confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
- (31) That the location of the services of the various Public Utility Authorities shall be determined prior to the commencement of the work and the contractor shall be responsible for any temporary diversions required, as well as damage that might be caused to these services;
- (32) 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);
- (33) That all proposed work shall be wholly within the boundaries of the site;

- (34) 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;
- (35) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (36) 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;
- (37) That the openings in the external walls closer than 900mm from a side boundary shall be protected by non-openable fire windows or other construction with an FRL of not less than -/60/- or self-closing solid core doors not less than 35mm thick, in accordance with Part 3.1.1.5(b) of the BCA;
- (38) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (39) That the building shall be provided with a system designed to control smoke or remove smoke in accordance with E2.2 of the BCA;
- (40) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;

- (41) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
 - (42) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
 - (43) That all doors serving as required exits shall comply with the requirements of Clause D2.19 of the BCA.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Motion, as amended by consent, carried.

23.

FORBES STREET, NOS. 159-215, DARLINGHURST - MASTER PLAN FOR SCEGGS SITE - DEVELOPMENT APPLICATION (2020514)

Deferred:-

- (a) for a public meeting to be held at a date and time to be notified;
- (b) for a Visit of Inspection to be held on Saturday, 24 July 1999 at 10.00 a.m.

Carried.

NOTE: Inspection was carried out by Councillors and Staff on Saturday, 24 July 1999.

24.

BAYSWATER ROAD, NO. 96, RUSHCUTTERS BAY - ERECTION OF HIGH WALL SIGN - DEVELOPMENT APPLICATION (U99-00097)

- (A) That the Council as the responsible authority refuses its consent to the development application by Andrew Darroch on behalf of United Well Investments Pty Ltd, for permission to erect a high wall sign on a hotel building for the following reasons, namely:-
- (1) That the site and its vicinity are nominated as residential frontage in development control plan No. 7 which would therefore not permit high wall signs;
 - (2) That the character of the area is generally residential;
 - (3) That the proposed sign is not compatible with the residential area and introduces an intrusive visual element into a significant view corridor;

- (4) That the sign does not relate to any existing local business but is directed only at through traffic;
 - (5) That the sign would adversely effect the amenity of nearby residential units on Waratah Street by virtue of its proximity and illumination;
 - (6) That in the circumstances approval would not be in the public interest;
- (B) That the persons who made representations in respect of the proposal be advised of the Council's decision.

Carried.

25.

BAYSWATER ROAD, NOS.72-78, DARLINGHURST - RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION - COMPLIANCE WITH DEFERRED COMMENCEMENT CONDITIONS (U98-00613)

- (A) That the Council as the responsible authority grants its consent pursuant to Section of the Environmental Planning and Assessment (Amendment) Act, 1979 to the application submitted by Consolidated Contractors Pty Ltd, with the authority of N & N Davidson Investments Pty Ltd, for permission to erect an 8 storey building, subject to the following conditions, namely:-
- (1)(a) That the development shall be generally in accordance with plans numbered 9826-2-0-01B, 02D, 03D, 04C, 05C, 06C, 07C, 08C, 01B, 01B, 02B, 03B 05;
 - (b) That the parking spaces shall be allocated on the basis of 27 for residents and 7 for visitors (appropriately line-marked and labelled prior to issuing an Occupation Certificate);
 - (c) That no unit shall have more than one parking space;
 - (d) 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;

- (e) 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;
 - (f) That a design for an extension to the median strip between Bayswater Road and the Kings Cross Tunnel (eastbound traffic) be submitted and approved by the The Roads and Traffic Authority State Network Services before any work on site commences;
- (2)(a) That a minimum of two units shall be made available for rental occupation from the date of completion of this development (as indicated by the issuing of an occupation certificate) for three years at a rental not exceeding \$160 per week. Details of the arrangements made for the provision of these units shall be submitted to Council and separate approval obtained prior to commencement of construction. These two units shall be let for a minimum of three years under the standard terms of the Residential Tenancies Act 1987 and shall be offered to former residents of the building.
- (b) That residents of the building at the time of expiry at the 3 year period referred to in condition (2)(a), shall be assisted in finding suitable alternative accommodation, if required. Such assistance will include a minimum of one months notice, payment of relocation costs of \$500, a one off relocation payment to each tenant equivalent to one months rent of alternative premises in the locality and making of inquiries with local real estate agents regarding alternative low cost accommodation. This condition does not derogate from any individual's right to claim compensation from the property owner;
 - (c) That a social housing provider operating in the locality shall be appointed as managing agent for the units referred to in condition (2)(a). A contact for the relevant social housing provider shall be submitted for approval to Council and the Office of Community Housing prior to commencement of construction. The Office of Community Housing shall consult with the Department of Housing prior to approving the appointment of any particular social housing provider;
 - (d) That should a resident occupying any of the units referred to in Condition (2)(a) vacate the premises, the social housing provider will tenant the unit with the first person on their waiting list who satisfies the criteria as determined by Council's Director of Health and Community Services (the criteria being maximum income

level, housing stress and existing residency in the local government area);

- (e) That the above requirements (Condition (2)) shall be incorporated in a public positive covenant to be imposed upon the title of the 2 units prior to the release of any plan of subdivision of the building. The terms of that covenant are to be incorporated in a deed, which shall be executed within 28 days of the consent. A draft of the deed shall be referred for approval of the Department of Housing prior to execution.

AND THE FOLLOWING CONDITIONS AS APPROVED BY COUNCIL ON 11 NOVEMBER, 1998:

(3) Section 94 Contributions

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	\$65,415	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$19,757	2E97002.BGYO
Accessibility And Transport	\$ 254	2E97006.BGYO
Management	\$ 984	2E97007.BGYO
	Total \$86,410	

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.

$$\text{Contributions at Time of Payment} = C \times \frac{CPI_2}{CPI_1}$$

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 and be accompanied by the attached Payment Sheet.

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 BA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

(B) Works in Kind

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.

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.

As a consequence of this development, Council has identified an additional demand for site specific works to be carried out as part of the development. The applicant is required to carry out the following works as part of the implementation of the consent:

Full specifications must be submitted to Council for consideration concurrent with the building application. It should be noted that these works are required as a direct result of the siting and design of the development as it relates to its setting and, therefore, will not be offset against any monetary Section 94 Contribution.

Note: Works carried out without the written approval of Council, which will be in the form of a letter referring to detailed specifications and costs, if carried out on public land without such approval, may expose the responsible party to prosecution in addition to the cost of reinstatement.

- (4) That as a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – 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 2E97008.BGY0	\$17,684	

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

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

where:

C is the original contribution amount as shown above

;

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

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

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

- (5) That a right of way, minimum width 3.05m shall be maintained between 72-78 Bayswater Road and 8 Clements Street;
- (6) That the existing duplex at No. 8 Clement Street retained and the sites 72-76 Bayswater Road, 78 Bayswater Road and 8 Clement Street be consolidated into one allotment;
- (7) That a garbage chute constructed in accordance with Council's Code of Garbage Handling Systems shall be installed in the premises;
- (8) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of the Water Board
- (9) That before entering a purchase/lease/occupancy agreement, all occupiers and tenants of the development are to be advised by the applicant/owner of the building and owners of the individual units once on-sold, that residents are not eligible to participate in the on-street Resident Parking Scheme applying to this area. A sign to this effect shall be located in a prominent place, to Council's satisfaction, such as on a directory board, where it can easily be observed and read by persons entering the building. This exclusion is to appear on Section 149 Certificates;
- (11) That all relevant sections of the BCA shall be complied with;
- (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 requirements of the Work Cover Authority shall be complied with;

- (14) That all proposed work shall be wholly within the boundaries of the site;
- (15) 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;
- (16) 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 a separate application to, and approval by, the Director of Public Works and Services;
- (17) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (18) That all excavations and backfilling must be executed safely and in accordance with appropriate professional standards;
- (19) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;
- (20) That the demolition work shall comply with Australian Standard 2601-1991;
- (21) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;

and the following adopted standard conditions:

- (22) LDA101 - Provide landscaping plan;

- (23) LDA102 - Maintain existing landscaped area;
- (24) LDA106 - Preserve existing trees;
- (25) LDA107 - Make application to remove trees;
- (26) LDA153 - Reflectivity of external glazing;
- (27) LDA158 - Treatment of exposed walls;
- (28) LDA161 - Provide common television aerial;
- (29) LDA167 - No garbage on public way;
- (30) LDA172 - Projections beyond street alignment;
- (31) LDA366 - Liaise with Natural Gas Company;
- (32) LDA367 - Timing device on alarms;
- (33) LDA374 - Disabled entry;
- (34) LDA376 - Hours of building work;
- (35) LDA377 - Construction noise regulation;
- (36) LDA384 - New alignment levels;
- (37) LDA387 - Footway crossings;
- (38) LDA388 - Stormwater disposal details;
- (39) LDA392 - No obstruction to public way;
- (40) LDA396 - Works within boundaries;
- (41) hsc500 - Premises to be ventilated;
- (42) hsc001 - Compliance to Director of Health and Community Services;
- (43) hsc200 - Compliance with Food Premises Code;
- (44) hsc300 - Air handling systems for future food premises;
- (45) hsc018 - Sanitary facilities;
- (46) hsc100 - Removal of spoil from site;

- (47) hsc516 - Discharge vents;
- (48) hsc247 - Garbage room;
- (49) hsc711 - Commercial contract (trade waste);
- (50) hsc801 - Noise from premises;
- (51) LDA36 - Loading only within confines of the site;
- (52) LDA44 - Driving in forward direction only;
- (53) LDA49 - Signage for vehicular egress;
- (54) LDA66 - Minimum 2.2m headroom.

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, privacy loss, streetscape qualities, traffic and parking congestion, and would not be in the public interest.

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

Note: The applicant has offered at their cost:

- (a) to soundproof the second bedroom windows in the adjoining building (No.80) where they abut the proposed building;
- (b) At the completion of the development, paint the western wall of No.80 to a mutually agreed colour.
- (c) Construct a new dividing fence with No.80 to a design agreed with No.80.

Carried.

26.

STEEL STREET, NOS. 2-6, SURRY HILLS - ERECTION OF THREE TERRACE HOUSES WITH STRATA SUBDIVISION - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-00406)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

That the application by High Co. Pty Ltd for permission to erect three level terrace houses with strata subdivision be deferred for discussion with staff of the Planning and Building Department, and such discussions to include matters discussed in the report of 13 July 1999, as well as the redesign of the building so that it also provides a compatible façade addressing Adelaide Street and the local park while minimising adverse impact on No. 33 Adelaide Street.

Carried.

27.

BAYSWATER ROAD, NOS.96-106, RUSHCUTTERS BAY - PROPOSED HOTEL AND RESIDENTIAL FLAT BUILDING - ADDITIONAL INFORMATION (U97-00438)

This matter was submitted to Council without recommendation.

Moved by Councillor Fowler, seconded by the Mayor:-

That the application be deferred for a further report on the change of use of the development, activity of the function room, delivery of the kegs at the hotel and movement of the sub-station.

It was moved by Councillor Fenton, seconded by Councillor Bush, that the motion be amended by deferring the application for conditions for refusal to be drafted by the Director of Planning and Building.

Amendment negatived.

Motion carried.

28.

CLEVELAND STREET, NO. 329, REDFERN - PARTIAL CONSTRUCTION STEEL AND TIMBER PERGOLA STRUCTURE - DEVELOPMENT APPLICATION (U99-000301)

(A) That the Council as the responsible authority grants its consent to the application submitted by Mr D Marceta (with the authority of the joint owner Mrs A Marceta), for permission to erect a steel and timber pergola structure for the purposes of growing grapes at No. 329 Cleveland Street, Redfern subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the

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

- (2) That the development shall be generally in accordance with plans numbered submitted with development application U99-00301;
- (3) That all relevant sections of the BCA shall be complied with;
- (4) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (5) That 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 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;
- (7) 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);
- (8) That all proposed work shall be wholly within the boundaries of the site;
- (9) That the pergola structure shall not be used for any other purpose than the growing of climbing plants including grape vines;
- (10) That the pergola shall not be covered by any roofing material or otherwise, without the prior consent of Council;
- (11) That a survey certificate shall be submitted for the completed works;

- (12) That a structural certificate for the works completed shall be submitted to Council;
- (13) That the owner shall apply to Council for a compliance certificate for the completed works.

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.

29.

HARCOURT PARADE, NO. 21, ROSEBERY - ERECTION OF A CARPORT - DEVELOPMENT APPLICATION (U99-00546)

- (A) That the Council as the responsible authority refuses its consent to the development application submitted by Anderson Building of 48 Lynwen Crescent, Rockdale, for permission to erect a carport in front of the existing dwelling for the following reasons, namely:-
 - (1) The proposal is inconsistent with the objectives and controls of the South Sydney Development Control Plan 1997, Part G: Special Precincts, 1. Rosebery;
 - (2) The proposal is contrary to Clause 28 Part 1 (b),(c),(h) of the South Sydney Local Environmental Plan 1998;
 - (3) The proposal is inconsistent with the character of the area;
 - (4) The proposal will have an adverse impact on residential amenity;
 - (5) The proposal is not in the public interest.
- (B) That the person who made representations in respect of the proposal be advised of Council's decision.

Carried.

30.

CLARA STREET, NO. 14, ERSKINEVILLE - ALTERATIONS AND ADDITIONS TO RESIDENTIAL DWELLING - DEVELOPMENT APPLICATION (U98-01345)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Robin Graham Architect, with the authority of the owners Mr F McClosky and Ms M McCauley, for permission to alter and extend an existing residence, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1800 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 \$240, 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 plans 98/18/DA-01 and 04-A, dated November 1998 and plans 98/18/DA-02 A, 03A-05A, 07A 08A, 11A, all dated May 1999;
 - (4) The window on the ground floor fronting Clara Street is to be a double hung sash window similar in size and design to the window on 18 Clara Street and details shall be submitted in the construction certificate;
 - (5) The proposed first floor balcony is to have a single set of French Doors and vertical wooden balusters within the timber balustrade, similar to those at 16 Clara Street and details shall be submitted in the construction certificate,
 - (6) That the timber boarded bin store/shed is to be deleted from the development;
 - (7) That the vertical timber balustrade located between the ground floor front door and window is to be deleted from the development;

- (8) That all relevant sections of the BCA shall be complied with;
- (9) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (10) That the requirements of the Work Cover Authority shall be complied with;
- (11) 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;
- (12) That the use of the premises shall remain as dwelling in single occupation only;
- (13) 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;
- (14) 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;
- (15) That all proposed work shall be wholly within the boundaries of the site;
- (16) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (17) 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;
- (18) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (19) 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;

- (20) 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;
- (21) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (22) That the fire-isolated stairway/ramps shall be constructed in accordance with D2.2 of the BCA;
- (23) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (24) 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;
- (25) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (26) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (27) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (28) That skylights providing required natural light and ventilation to habitable rooms shall be demonstrated to comply with the provisions of Parts 3.8.4 and 3.8.5 of the Building Code of Australia prior to the issue of a construction certificate;
- (29) 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;
- (30) 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);
- (31) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;

- (32) That 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;
- (33) 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;
- (34) 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);
- (35) 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.

- (36) 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;
- (37) 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;
- (38) 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;
- (39) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (40) 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.

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

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;

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

At the request of Councillor Harcourt, and by consent, the motion be amended by the addition of the following conditions, namely:-

- (41) That, subject to access being provided, the applicant shall provide to Council a dilapidation report detailing the condition of the party wall between numbers 14 and 16 Clara Street, Erskineville. The dilapidation report is to be provided to Council prior to the commencement of any works, including demolition;
- (42) That the development shall be adequately supported by the erection within, but adjacent to the property boundary with number 16 Clara Street, of a timber post designed to be compatible with the external design of the facade. The applicant is to submit details of this with the Construction Certificate.

Motion, as amended by consent, carried.

31.

ABERCROMBIE STREET, NO. 358, CHIPPENDALE - EXISTING BRICK TERRACE TO BE RECONSTRUCTED FOR THREE UNITS - DEVELOPMENT APPLICATION (U99-00348)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Macken:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Tonip Pty Ltd, with the authority of Ms H Neumann, for permission to convert the existing building to a residential flat building containing two x two and one x one bedroom dwellings and two off street car parking spaces, subject to the following conditions of consent, namely:-
 - (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$3,825 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 \$510 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (3) That the proposal shall generally in accordance with the plans marked "RES3036", WD.01, 02A, 03A, 04A, 05A, 06A, 07A, 08 date stamped 8 April, 1999 as amended by the following condition;
- (4) That the proposed first floor level balconies to proposed units 2 and 3 are deleted from the proposal, with these balconies to be incorporated into the floor space of these units. The external wall is to be to the line of the proposed balustrade and is to contain windows no more than 0.5 metres wide and 1.5 metres high, at least 900mm apart, details to be submitted for approval with construction certificate;
- (5) That the proposed wall along the eastern boundary shall be 2.5 metres high;
- (6) 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	\$1,632	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) Section 94

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	\$ 701	2E97003.BGY0
Open Space: New Parks	\$3,830	2E97009.BGY0
Accessibility And Transport	\$ 21	2E97006.BGY0
Management	\$ 35	2E97007.BGY0
Total	\$4,587	

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.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI}_2}{\text{CPI}_1}$$

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;

- (8) That no unit shall have more than one off street car parking space allocated to it;
- (9) That none of the proposed off street car parking spaces are created as lots separate from the proposed units;
and the following adopted standard conditions:

- (10) Treat Proposed External Walls¹¹³
- (11) Display Street Number¹²⁴
- (12) Resident Parking Access³⁰⁰¹
- (13) Glazing Reflectivity less than 20%¹¹⁸
- (14) Compliance with Building Code of Australia⁸⁵⁰¹
- (15) Change of Building Use⁸⁵⁰²
- (16) Residential Building Work⁸⁵⁰³
- (17) Retaining Walls and Drainage⁸⁵⁰⁵
- (18) Support for Neighbouring Buildings⁸⁵⁰⁶
- (19) Protection of Public Places⁸⁵⁰⁷
- (20) Signs Erected on Building and Demolition Sites⁸⁵⁰⁸
- (21) Toilet Facilities⁸⁵⁰⁹
- (22) Comply With BCA⁹¹⁰⁴
- (23) Construction Certificate Required⁹¹⁵⁵
- (24) Builders Hoarding Permit¹⁰⁰⁸
- (25) Alignment Levels¹⁰¹⁶
- (26) Cost of Signposting³⁰²⁶
- (27) Footway Crossing³⁰²⁸
- (28) Obstruction of Public Way³⁰²⁹
- (29) Delivery of Construction Materials³⁰³²
- (30) Stormwater Standard⁴⁰⁰¹
- (31) Clean Water Discharge⁴⁰⁰²
- (32) Refuse Skips⁶⁰⁰²
- (33) Construction Hours⁹¹⁵¹

- (34) Works Within Boundary⁹¹⁵²
- (35) Building/Demolition Noise Control⁹¹⁵⁶
- (36) Ventilation⁷⁰²³
- (37) Noise and Vibration⁷⁰²⁶
- (38) Natural light and ventilation⁹⁶¹³
- (39) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶

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.

32.

ALBION STREET, NO. 43, SURRY HILLS - CONTINUE USE OF EXISTING BROTHEL - DEVELOPMENT APPLICATION (U99-00303)

- (A) That the Council as the responsible authority grants its consent to the application submitted by TC Asian Trading, with the authority of Mr T Onisforou, for permission to continue the use of the premises for the purpose of a brothel and carry out minor internal alterations, subject to the following conditions, namely:-
 - (1) That the final Plan of Management shall be fully complied with at all times, and all strategies included therein, to the satisfaction of Council, the Surry Hills Police, and the Sex Workers Outreach Program(SWOP);
 - (2) That the proprietor shall be held responsible for ensuring that the premises is run in accordance with the conditions of consent, including the approved Plan of Management and the strategies included therein;
 - (3) That the hours of operation shall be restricted to between 10.00 a.m. and 5.00 a.m. daily;
 - (4) That a maximum of two (2) sex workers and one (1) receptionist shall work on the premises at any time;

- (5) That a minimum of two (2) off street car parking spaces shall be provided and each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m;
- (6) That no flashing, moving or intermittent lighting, visible from the public way shall be installed on the premises;
- (7) That no signs shall be erected on the premises;
- (8) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (9) That all internal bathrooms and toilets where not naturally ventilated shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
- (10) That a garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (11) That the applicant shall enter into a commercial contract for the removal of trade waste;
- (12) That the premises shall comply with the requirements of Council's Brothels Policy.
- (13) That linen shall be commercially laundered or a commercial washing machine be installed on the premises;
- (14) That receptacles shall be provided for the separate storage of clean and used linen;
- (15) That an adequate supply of condoms, dental dams and matter based lubricants shall be available to staff and clients on the premises;
- (16) That written information regarding sexually transmitted diseases shall be made available to staff in a variety of languages;
- (17) 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;
- (18) That plans and specifications showing details of:-
 - (i) all required mechanical ventilation systems;
 - (ii) the garbage room or garbage receptacle storage area;

-shall be submitted and approved by Council or an accredited certifier before installation is commenced;

- (19) That the use of the premises shall not give rise to:-
- (a) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, "Acoustic - Description and Measurement of Environmental Noise" or
 - (b) an "offensive noise" as defined in the Noise Control Act, 1975.

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.

33.

FORBES STREET, NOS. 165 TO 215, DARLINGHURST - ALTERATIONS AND ADDITIONS TO SCHOOL BUILDING - DEVELOPMENT APPLICATION (U98-01091)

Deferred:-

- (a) for a public meeting to be held at a date and time to be notified;
- (b) for a Visit of Inspection to be held on Saturday, 24 July 1999 at 10.00 a.m.

At the request of Councillor Harcourt, and by consent, the motion was amended by the deletion of the whole of the resolution and the insertion in lieu thereof of the following new resolution being the recommendation of the Acting Director of Planning and Building in the report dated 16 July 1999, namely:-

- (A) That pursuant to the provisions of the Environmental Planning and Assessment (amendment) Act 1979, Council, as the responsible authority grants its consent to the Development Application submitted by SCEGGS Darlinghurst for permission to extend the "Yellow Building" on the site, subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$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 \$2,880 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 98067-1AR.DA.01 to AR.DA.09 and endorsed by Council, subject to amendments outlined below;
- (4) That the ratio of the site area to the pupils at the school shall not be below 15.2 square metres;

-notwithstanding the above, the desired maximum student population proposed by SCEGGS in its Masterplan submitted in March 1999 shall not be achieved until all existing school facilities are brought into line with Department of Public Works and Services and Department of School Education guidelines for classroom and facility size;
- (5) That the temporary classrooms approved by Development Consent U98-01089 shall be removed within one month after an Occupation Certificate is issued for the refurbishment and extension of the "Yellow Building" unless a Development Application has been submitted, approved and an Occupation Certificate has been issued for the following:
 - (a) New Primary School Facilities;
 - (b) New Performing Arts Building;
 - (c) New Science and Technology Building;
 - (d) Refurbishment of Extension of the "Old Gym", "Science and Library" Buildings, "Barham" and the "Chapel" building;
- (6) That with regard to potential noise impacts arising from the extension of the yellow Building, it is essential that suitable site management practices be adopted by SCEGGS to control noise and ensure that surrounding residential amenity is not reduced or impacted;

- (7) That the L_{A10} noise level emitted from the use of the Yellow Building shall not exceed 5dB(A) above the background (L_{A90}) noise level in any Octave Band Centre Frequency (31.5Hz to 8Hz inclusive) up to 9.00pm, 7 days when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises;
- (8) That signs shall be erected in the corridors and balconies discouraging loitering on the balconies adjacent to the western boundary of the site by students both during and after school and during recess and lunch;
- (9) That the use of the premises shall not give rise to transmission of vibration to any place of different occupancy;
- (10) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (11) That the proposed building works shall comply with all the requirements of the BCA;
- (12) That the openings in the external walls closer than 900mm from a side boundary shall be protected by non-openable fire windows or other construction with an FRL of not less than -/60/- or self-closing solid core doors not less than 35mm thick, in accordance with Part 3.1.15(b) of the BCA;
- (13) 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:
 - (a) all proposed mechanical ventilation systems;
 - (b) all required mechanical ventilation systems;

and the following adopted standard conditions:

- (13) Construction Certificate Required⁹¹⁵⁵
- (14) Builders Hoarding Permit¹⁰⁰⁸
- (15) Refuse Skips⁶⁰⁰²
- (16) Works Within Boundary⁹¹⁵²
- (17) Hours of Work and Use of Cranes⁹¹⁵³
- (18) Alteration of Public Services¹⁰⁰⁶

- (19) Stormwater Standard⁴⁰⁰¹
- (20) Tree Preservation Order⁵⁰⁰⁵
- (21) Refuse Skips⁶⁰⁰²
- (22) Noise Report (pre consent requirement)⁷⁰⁰⁵
- (23) Compliance with Building Code of Australia⁸⁵⁰¹
- (24) Support for Neighbouring Buildings⁸⁵⁰⁶
- (25) Stormwater Design Certificate⁹⁰¹⁵
- (26) Construction Hours⁹¹⁵¹
- (27) Works Within Boundary⁹¹⁵²
- (28) Hours of Work and Use of Cranes⁹¹⁵³
- (29) Building/Demolition Noise Control⁹¹⁵⁶
- (30) Protection of External Walls⁹³²³
- (31) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (32) Smoke control⁹⁵¹²
- (33) Exit signs⁹⁵¹⁹
- (34) Smoke alarms⁹⁵²³
- (35) Number of toilets to be provided⁹⁶⁰⁸
- (36) Exit Doors in Paths of Travel⁹⁷¹⁴

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

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

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

Motion, as amended by consent, carried.

34.

CARILLON AVENUE, NO.90 - PROPOSED DEVELOPMENT OF 346 UNITS FOR STUDENT ACCOMMODATION INCLUDING 4039 SQM OF NON-RESIDENTIAL USES AND 48 ON-SITE CAR PARKING SPACES (U99-00320)

Deferred and that the applicant be requested to enter into discussions with the Newtown Residents Action Group, other interested community groups and the community in general, together with Council's Town Planning Staff to review the proposed development.

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

- (1) That the application be deferred.
- (2) That Council appoint an independent facilitator to chair up to three facilitation sessions to review the proposed development with:
 - The Ward Councillors
 - Two representatives from Sydney University
 - One representative from Multiplex
 - Two representatives of the North Newtown Action Group
 - One other community representative
- (3) That the representatives be able to bring professional/technical persons to the facilitations.
- (4) That the facilitator appointed prepare a report to Council on the outcome of facilitations.

Motion, as amended by consent, carried.

The Planning and Development Committee Meeting terminated at 9.13 p.m.

The Council Meeting terminated at 8.15 p.m.

Confirmed at a meeting of South Sydney City Council
held on1999

CHAIRPERSON

GENERAL MANAGER