

236th Meeting

Erskineville Town Hall
Erskineville
88715

Wednesday, 8 September 1999

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.57 pm on Wednesday, 8 September 1999.

PRESENT

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

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

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Confirmation of Minutes

Moved by Councillor Lay, seconded by Councillor Fowler:-

That the minutes of the Ordinary Meeting of Council of 25 August 1999 and the Extraordinary Meeting of Council of 1 September 1999, be taken as read and confirmed.

Carried.

Apology

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

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

Leave of Absence - The Mayor, Councillor Vic Smith

A request was received from the Mayor, Councillor Vic Smith for leave of absence from the Committee Meeting on 13 September 1999 and Council Meeting on 16 September 1999.

It was moved by Councillor Lay, seconded by Councillor Waters:-

That leave of absence be granted to the Mayor, Councillor Vic Smith from the Committee Meeting on 13 September 1999 and Council Meeting on 16 September 1999.

Carried.

MINUTE BY THE MAYOR

8 September 1999

PUBLIC RELATIONS - AUSTRALIA AND EAST TIMOR - REPRESENTATIONS TO FEDERAL GOVERNMENT (2022141)

Council is responsible to its constituents for the good management of the City of South Sydney. However as citizens of this country, all of us share wider obligations to preserve and promote the common good of all peoples.

The current situation in East Timor demands attention from Australia, its nearest large neighbour. Our fellow citizens have been appalled at the atrocities being visited upon the East Timorese people. Many of us feel a sense of helplessness at the carnage and civil turmoil we read about and watch each day.

All peoples are entitled to the provision of basic human rights and to the expectation that their government will act to safeguard those rights. No member of any society should fear to lose their life, their livelihood or their home for the exercise of democratic rights.

These events are an affront to human dignity and to the value of life. Indeed tens of thousands of East Timorese people died recognizing these values on behalf of Australian soldiers during WWII. No one who remembers those noble but terrible sacrifices can avoid a sense of shame now. Council regards Australia's lack of effective response as an appalling betrayal of the same East Timorese whose neutrality we compromised in 1942-1943.

RECOMMENDATION:

Council calls upon the Australian Government to play an more principled and forceful role in East Timor and armed, UN mandated piece keeping operation must commence immediately. The Prime Minister and our allies must emphasize to Indonesia that the penalties of International financial, trade and diplomatic sanctions will be pursued if they failed to hold the callous destruction of East Timorese society.

Council supports the statements of Cardinal Clancy urging the Australian Government to intervene. Council calls upon all people of compassion to support the emerging campaign by the Australian Council of Trade Unions, including actions initiated by the Maritime Union of Australia. Council, for its part, will institute bans on any Indonesian-sourced products or services and urges all other Australian Local Governments to do the same.

Further,

- that a message of support in these terms be conveyed from Council to Mr Jose Ramos Horta through Bishop Carlos Belo of Dili who is currently in Darwin; and
- that this also be conveyed to the Australian Ambassador of the Republic of Indonesia, Mr. S. Wiryono.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Fowler, seconded by Councillor Lay:-

That the recommendation contained in the Minute by the Mayor be amended to read:-

- (a) Council calls upon the Australian Government to play a more forceful role in East Timor, such action to include an armed, UN-mandated peace-enforcement operation that commences immediately. This action of the Australian Government must make plain that, otherwise, penalties of international financial, trade and diplomatic sanctions will be applied to Indonesia to halt the callous destruction of East Timorese society.
- (b) Council urges all people of compassion to support the emerging campaign by the Australian Council of Trade Unions, including actions initiated by the Maritime Union of Australia. Council, for its part, will institute bans on any Indonesian-sourced products or services and urges all other Australian local governments to do the same.
- (c) Further,
- that a message of support in these terms be conveyed from Council to Mr Jose Ramos Horta through Bishop Carlos Belo of Dili who is currently in Darwin; and
 - that this also be conveyed to the Australian Ambassador of the Republic of Indonesia, Mr. S. Wiryono.

Carried.

MINUTE BY THE MAYOR

8 September 1999

DONATIONS - FEDERATION OF AEGEAN ISLANDS OF SYDNEY AND N.S.W. - FREE USE OF REDFERN TOWN HALL (2002142)

I have received a letter dated 29 August 1999, from the Acting Assistant Secretary of the Federation of Aegean Islands of Sydney and N.S.W. requesting the free use of Paddington Town Hall from 11 to 23 October 1999, to hold an exhibition of maritime photographic and other artifacts and an audiovisual presentation of historical aspects representing the times and people of the Aegean Islands and Cyprus.

The Federation of Aegean Islands of Sydney and N.S.W. is a charitable, benevolent, cultural and a non-profitable organisation, representing the islands and people of the Aegean Archipelagos.

The exhibition will provide a tremendous exposure of Greek culture to all the multi cultural groups within South Sydney. The exhibition will be open to the public and no admission will be charged.

Paddington Town Hall is not available on the dates requested. Redfern Town Hall is available and will be suitable to hold the exhibition.

RECOMMENDATION:

That approval be given to the free use of Redfern Town Hall by the Federation of Aegean Islands of Sydney and N.S.W. from 11 to 23 October 1999, to hold an exhibition and that the total estimated cost of hiring charges amounting to \$11,700 be approved as a donation under Section 356 of the Local Government Act, 1993, for which funds are available in the 1999/2000 Community Grants Budget.

Councillor Vic Smith (SGD)

Mayor

Moved by the Mayor, Councillor Vic Smith, seconded by Councillor Lay:-

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

At the request of Councillor Lay, and by consent, the motion be amended by the addition of the words to the recommendation "and that Council waives the cost of cleaning the event".

Motion, as amended by consent, carried.

At the request of the Mayor, Council's Media Consultant promote the exhibition by advertising in the local press and in other languages.

MINUTE BY THE MAYOR

8 September 1999

AMALGAMATION - CONSULTANCY - TERMS OF REFERENCE (2022730)

Council at its meeting of 11 August 1999, resolved:-

"That Mr John Woodward be appointed as Council's Inquiry Commissioner. The appointment should be under the terms of reference attached to the Mayoral Minute of 11 August 1999, at a fee of \$1,400 per day requiring a detailed report containing firm proposals and options for Council's consideration well before the deadline of 31 March 1999".

Randwick City Council at its meeting of 17 August 1999, resolved to also use Mr Woodward as their Inquiry Commissioner and is prepared to share the cost for his engagement.

Subsequently Mr Woodward has indicated that his terms of reference would need to be amended and the new terms of reference are attached for endorsement.

It is recommended that the costs of Council's Inquiry Commissioner, Mr J Woodward be shared equally with Randwick City Council from 1 September 1999, and that the terms of reference attached to the Mayoral Minute of 3 September 1999, be endorsed.

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Waters:-

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

At the request of Councillor Fowler, and by consent the motion was amended by the deletion of condition (1) of the "Terms of Reference" attached to the minute by the Mayor and the insertion in lieu thereof, of a new condition (1) namely:-

- (1) Consider the implication of boundary changes and/or amalgamations in respect of the administrative, financial, management, staff, property and service aspects of South Sydney Council, Randwick City Council and to Botany Bay City Council and the removal of areas previously in the City of Sydney Local Government Area and matters incidental to these aspects.

Motion, as amended by consent, carried.

MINUTE BY THE MAYOR

23 August 1999

COMMUNITY CHRISTMAS PARTY - THURSDAY, 9 DECEMBER 1999 - WATERLOO/REDFERN (P58-00055)

Council has received a request for support for the annual Community Christmas Party, "Picnic on the Green" to be held on Thursday, 9 December 1999 from 3pm to 5pm, for the residents of the Waterloo and Redfern Public Housing tenants and the local community.

As in the past, the organising committee is expecting several hundred people and is working with other local community organisations to plan a successful event.

Council's assistance with the following items listed below has been requested:

- small sound system
- three Christmas trees
- banner
- entertainment – pony rides
- tables and chairs for the elderly and children
- craft material for making tree decorations
- paper plates, cups and serviettes
- balloons
- bins for disposal of rubbish

Council's Community Liaison Officer has costed the above at \$1000 for which funds are available in the Community Liaison budget.

RECOMMENDATION:

That Council approve the financial assistance of \$1,000 for the above detailed equipment for the Waterloo/Redfern Public Housing Tenants Community Christmas Party - "Picnic on the Green" on Thursday, 9 December 1999, for which funds are available in the 1999/2000 Public Relations Budget account (ENL 77F0).

Councillor Vic Smith (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

PETITION

1.

The Mayor tabled a petition received by the General Manager with approximately 81 signatures appended from residents of Erskineville objecting to developer's plans to demolish Erskineville Post Office.

Received.

QUESTIONS WITHOUT NOTICE

1.

CELEBRATIONS - NEW YEARS EVE - STREET SWEEPING AND CLEANING OF STREETS - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2014151)

Question:

Street sweeping and cleaning generally after the New Years Eve celebrations are going to be an enormous task and for South Sydney areas which are not usually frequented by large numbers will be crowded.

I should be grateful if Council's Waste Services Manager would take areas such as Embarkation Park, the Woolloomooloo frontage to the Cowper Wharf Road and other vantage points into consideration when scheduling duties for New Years Day 2000?

Answer by the Mayor:

I will ask the Director of Public Works and Services to liaise with Council's Waste Services Manager in relation to that question.

2.

STREETS - FORBES STREET, DARLINGHURST - PRUNING OF TREES - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (S56-01689)

Question:

At a safety audit yesterday, I noticed there are several trees in Forbes Street which although they have been expertly pruned, are misshaped on account of the electricity wires. I should be grateful if the Director of Public Works and Services could advise when the Forbes Street wiring will be bundled and also, when the wiring on Darlinghurst Road from Liverpool Street to William Street will be placed underground or bundled?

Answer by the Mayor:

I will ask the Director of Public Works and Services to have that response prepared for you in the Councillors Information Service.

3.

CONFERENCES - ATTENDANCE BY COUNCILLORS TO RAPI CONFERENCE IN DARWIN - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2004138)

Question:

Several South Sydney Councillors and Council Officers are to attend the RAPI Conference in Darwin this month. Could the relevant Council Officer monitor the situation in the North and keep the Conference attendees advised in relation to the East Timor Crises?

Answer by the Mayor:

I'm sure the Director of Planning and Building will take those comments on board and if there are any comments he will contact the Councillors.

4.

PROPERTIES - REG MURPHY HALL - WAIVING OF HIRING FEE FOR FUND RAISING FUNCTION - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (P56-00410)

Question:

The newly formed Kings Cross Artist Guild is planning a fund raising function at the Reg Murphy Hall on Saturday, 30 October 1999. The aim of the Guild is to support artists of every discipline within walking distance of the Kings Cross Railway Station.

Could Council consider waiving the \$65 per hour hiring fee?

Answer by the Mayor:

I will ask that a report come back to the next Committee.

5.

ANZAC PARADE, NO. 5A, CENTENNIAL PARK - MCDONALDS FOOD OUTLET - COURT OF APPEAL - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (U95-00516)

Question:

Is it the Director of Planning and Building's opinion that Council cannot reject the application for a fast food outlet at Moore Park since it has returned from the Court of Appeal?

Answer by the Director of Planning and Building:

Yes.

6.

ANZAC PARADE, NO. 5A, CENTENNIAL PARK - MCDONALDS FOOD OUTLET - COURT OF APPEAL - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (U95-00516)**Question:**

Government through the Courts, continues to support alteration of parklands by multinational franchises. Can this Council, contained by the law, provide consent conditions that follow the letter of the judgment that any food retail is associated to users of the park's tennis facilities in square metreage, licenced number of patrons, hours of operation, orientation and size of signs, so that the refreshment rooms relate to the parklands and are not a retail food outlet on an arterial road?

Answer by the Mayor:

The other thing that I would ask also Councillor Fowler, and I understand that a report is coming to Committee next Monday night, is that the Director also take into account the trees that are already located in that part of Grand Drive which is also part of the Moore Park Trust Plan of Management and maybe we can get a comment from Council's Tree Preservation Officer about the potential of those trees.

7.

DALMENY AVENUE, NOS. 83 - 93, ROSEBERY - POLICING OF PARKING ON PRIVATE LAND - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2012979)**Question:**

I have a letter from Nuvit Esmer of the Executive Committee Owners Corporation at Nos. 83 - 89 Dalmeny Avenue, Rosebery, regarding parking problems. I have explained that it is a private road and if the Body Corporate were willing to pay for Council Parking Wardens' time and split the revenue collected, Council may be able to help police in that matter?

Answer by the Mayor:

They are private roads on a private development and having visited the site today with the Manager of the Ordinance Inspectors, there are no signs up saying "1/2 Hour Parking" or "1 Hour Parking". There are signs that say Visitor Parking and Visitor Parking on the roadway as well, but under the Strata Plan Management of 1966, that is what the Body Corporate is hanging their hat on

for want of a better word. Putting stickers on vehicles saying that if the vehicle is not moved they will be fined \$200. The question is how do they get that \$200. Do they take the number and then go to the Department of Motor Registration and then issue a summons? I would have thought that this would be a lot of work.

Also under that Strata Plan, the Police have the power to book people on the private roads. That is the advice I got today. Where we go from there is up to the Body Corporate. Maybe they should take these matters up with Police, not Council.

8.

PLANNING - ENGAGEMENT OF A CONSULTANT TO EVALUATE DRAFT HERITAGE LIST - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2017538)

Question:

I believe that we have a briefing being organised on the Draft Heritage document that we have received. Prior to that briefing, would it be prudent for us to engage in a Consultant to evaluate what has been excluded and included on that list?

Answer by the Director of Planning and Building:

You have had a Consultant working on that. The original Consultant was appointed to the original Heritage Study and as a result of the submissions, we have had the Consultant look at those and make a recommendation, but I can make sure that the Consultant is available for the briefing.

9.

MEETINGS - COUNCILLORS - NOTIFICATION OF PUBLIC MEETINGS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2016186)

Question:

There has been a problem of late where Councillors have not been notified of public meetings organised by Council Officers or Councillors. Is there a process by which a simple fax or phone call could be made to alert me of public meetings?

Answer by the Mayor:

All those public meetings that you refer to are in the Councillors Information Service. Public meetings are organised by this Council and are determined by this Council as a body. Some public meetings and the one you are referring to are organised by the residents. It is not the power of Council as to who they invite. They determine who they invite if they convene the meeting.

10.

**DEVELOPMENT - PLANNING AND BUILDING DEPARTMENT - REDUC-
TION IN LENGTH OF TIME IN PROCESSING DEVELOPMENT APPLICA-
TIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2020130)**

Question:

It has been brought to my attention that in the last couple of weeks we have had an absolute crisis in the Planning and Building Department with regard to the number of Development Applications coming in to the number of Development Applications being processed and the length of time it takes to have them processed.

Could there be an investigation into the allocation of extra monies to the Department of Planning and Building so as to reduce the length of time in processing?

Answer by the Mayor:

I will ask the Director of Planning and Building to have a report prepared for the Councillors Information Service in relation to that matter. The Director of Planning and Building is having discussions with the General Manager to alleviate that problem.

REPORT OF THE FINANCE COMMITTEE

1 September 1999

PRESENT

Councillor Sean Macken (Chairperson)

Councillors – Margaret Deftereos, Sonia Fenton, Greg Waters

At the commencement of business at 6.33 pm those present were:-

Councillors - Deftereos, Fenton, Macken and Waters

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

That the Report of the Finance Committee of its meeting of 1 September 1999, be received and the recommendations set out below for Items 1 to 5, inclusive, 7 to 9, inclusive, 11 to 16, inclusive, 18 to 22, inclusive, and 24, be adopted.

The recommendations set out below for Items 6, 10, 17 and 23 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

ADMINISTRATION - PURCHASE OF PC AND PRINTER FOR COUNCIL MEDICAL OFFICER (5263043)

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

NOTE:

The Deputy Mayor, Councillor Lay was the Acting Chairperson during this Item.

That arising from consideration of a report by the Director of Organisational Development dated 19 August 1999, approval be given to:-

- (1) the purchase and installation of a Pentium PC and printer for Council's Medical Officer;
- (2) the allocation of an additional \$7,000 in funds to cover such purchases.

Carried.

2.

DONATIONS - BERRIGAN SHIRE COUNCIL - CONTRIBUTION TOWARDS LEGAL COSTS (2002879)

That approval be given to the payment of the contribution of \$248 to the Local Government & Shires Associations of NSW representing Council's contribution for costs, incurred by Berrigan Shire Council in its action taken in the Court of Appeal against the decision of the Land and Environment Court to uphold the objector's appeal that Berrigan Shire Council did not properly consider their objections. (Budget Estimates GQA 77LE)

(DPB Report 19.8.99)

Carried.

3.

PLANNING - PARRAMATTA ROAD TASK FORCE - FUNDING - QUESTION WITHOUT NOTICE BY COUNCILLOR MACKEN (2020155)

That arising from consideration of a joint report by the Director of Planning and Building and the Acting Director of Public Works and Services dated 19 August 1999, it be resolved that Council:-

- (1) agree to continue to participate in the Parramatta Road 2000 and Beyond Project;
- (2) agree to contribute the requested amount of \$5,000 per year for the next three years, with Council's initial contribution to the project drawn equally from the Planning and Building Department and Public Works and Services Department's 1999/2000 Works Program as follows:

Planning and Building Department

Account Code: GQB.66A0 \$2 500

Public Works and Services

Department Account Code: FBA.66A0 \$2 500

- (3) nominate future representation to the project by appropriate staff of Parks Development, Traffic and Design Branches with input from the Road Safety Officer and a Strategic Planner. These officers will provide input directly to the Parramatta Road Beyond 2000 Project, through contact with IMROC's Project Manager on an as required basis.

Carried.

4.

COMMUNITY FACILITIES - ALEXANDRIA EARLY CHILDHOOD HEALTH CENTRE - USE BY NSW HEALTH DEPARTMENT, PAEDIATRIC PHYSIOTHERAPY UNIT - TWO YEAR LEASE COMMENCING 1 AUGUST 1999 (2021555)

That arising from consideration of a report by the Director of Health and Community Services dated 23 August 1999, approval be given to the lease of the Alexandria Early Childhood centre to the Central Sydney Area Health Services Paediatric Physiotherapy Unit for a two year period, with the first year rental being \$5,200 per annum, the second year rental being determined by the Properties Branch on 1 August 2000, Council continuing to maintain the facility and all operational costs including cleaning and utilities being borne by the occupant.

Carried.

5.

**GRANTS - SPECIAL PROJECT FUNDING - SOUTH SYDNEY LIBRARY
FROM STATE LIBRARY - ADDITION OF FUNDS FROM 1998/1999 BUDGET
TO 1999/2000 BUDGET (G52-00066)**

That arising from consideration of a report by the Director of Health and Community Services dated 24 August 1999, approval be given to the roll over of \$4,954 from the 1998/1999 Income Budget into the 1999/2000 Budget (KLA.93RO).

Carried.

6.

**DONATIONS - LOCAL GOVERNMENT ASSOCIATION OF NSW - REQUEST
FOR ASSISTANCE WITH FEDERAL COURT ACTIONS REGARDING
CHARGES UNDER SECTION 611, LOCAL GOVERNMENT ACT, 1993
(2002879)**

That arising from consideration of a report by the Director of Finance dated 26 August 1999, Council support the request from the Local Government and Shires Association for a contribution of \$3,850 towards legal costs in defending actions brought by Optus and Telstra regarding Section 611 Charges, and such amount be added to the Budget Estimates.

Carried.

7.

**FINANCE - BUDGETS - SUMMARY OF ADDITIONS TO THE ADOPTED
BUDGET 1999/2000 (2021566)**

That the report by the Director of Finance dated 26 August 1999, detailing a Summary of Additions to the Adopted Budget, be received and noted.

Carried.

8.

**FINANCE - ACCOUNTS - SCHEDULE OF PAYMENTS - JULY 1999
(2019900)**

That arising from consideration of a report by the Director of Finance dated 17 August 1999, approval be given to the confirmation of the payment of the accounts totalling \$15,057,286.09 as detailed in the Summary of Warrants for the Month of July, accompanying the report.

Carried.

9.

PROPERTIES - PALMER STREET, NOS. 137-155, EAST SYDNEY - UPGRADE OF ROOF - CALLING OF QUOTATIONS (L52-00183)

That for the reasons set out in the report by the Director of Corporate Services dated 23 August 1999, approval be given to:-

- (a) additional funds of \$30,000 being allocated in the 1999/2000 Works Program to upgrade the roof at Nos. 137-155 Palmer Street, East Sydney;
- (b) calling Quotations from Roofing Contractors to carry out the proposed roof upgrade.

Carried.

10.

STREETS - BOTANY LANE, ALEXANDRIA - PROPOSED CLOSURE AND SALE OF PART (201753)

(Also listed as Item No. 14 Planning and Development Committee)

That approval be given to:-

- (1) the closure under Part 4 Division 1 of the Roads Act 1993 of part of Botany Lane, Alexandria as shown stippled on Plan No. S6-280/240A and its subsequent sale to adjoining owners or their successors in title and subject to the conditions in the schedule accompanying the Director's report;
- (2) all public utility authorities being advised of Council's decision;
- (3) all relevant documents and plans being executed under The Common Seal of Council or by Council's Attorney;
- (4) all adjoining owners being advised of Council's decision.

(DPWS Report 27.8.99 & DPB Report 26.8.99)

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

That the matter be deferred for a further report by the Director of Planning and Building.

Motion, as amended by consent, carried.

11.

STREETS - 1999/2000 PUBLIC WORKS AND SERVICES ENGINEERING WORKS PROGRAMME - ROAD WORKS (2021529)

That arising from consideration of a report by the Director of Public Works and Services dated 26 August 1999, approval be given to carry out the works as detailed in the Director's report in each of the following programmes:-

(a)	Preventative Maintenance Programme	\$300,000 (CWB 2010)
(b)	Mill and Resurfacing Works	\$175,000 (CWC 2100)
(c)	Reconstruction Works	\$400,000 (CWE 2250)
(d)	Regional Roads - Block Grant	\$121,000 (CWF 2300)
(e)	Local Roads Programme	\$275,000 (CWF 2310)

-with funds being available in the relevant sections of the 1999/2000 Engineering Works Programme.

Carried.

12.

STREETS - RTA PROGRAMME - FUNDING 1999/2000 (2019792)

That arising from consideration of a report by the Director of Public Works and Services dated 27 August 1999, it be resolved that Council acknowledge and where appropriate accept the 1999/2000 RTA Programme Funds Grants of:-

Extended 3 x 3 Council Determined Programme	\$45,000
Local Network Services	\$90,000
Regional Roads Block Grant	\$121,000
Regional Roads Repair Program	\$200,000
Road Safety and Traffic Management	\$404,000
Road Safety Services	\$35,000

-and further, Council adjust 1999/2000 Budget's Income and expenditures according to these actual grants and Council vote the extended 3 x 3 Council Determined Programme fund of \$45,000 for the rehabilitation of Darlinghurst Road, Darlinghurst between Farrell Avenue and Tewkesbury Avenue and Phillip Street, Redfern between Chalmers Street and Elizabeth Street.

Carried.

13.

**PROPERTIES - COMMERCIAL - QUARTERLY SUMMARY REPORT
INCOME, PROFITABILITY AND EXPENDITURE REPORT APRIL 1999 TO
JUNE 1999 AND ANNUAL REPORT JULY 1998 TO JUNE 1999
(P56-00385)**

That the Quarterly Report for the period April 1999 till June 1999 on Income, Expenditure and Profitability of Council's Commercial and Residential Portfolio and the Annual Report for the period July 1998 till June 1999, be received and noted.

(DCS Report 23.8.99)

Carried.

14.

PLANNING - STRATEGIC PLANNING FUNDS - REALLOCATION (2020192)

That approval be given to the reallocation of \$160,000 from Account Code GQB-66AO to GQB-77DO, Printing and \$30,000 from Accounts Code GQB-66AO to GW-97001: Green Square.

(DPB Report 27.8.99)

Carried.

15.

**STREETS - ARNOLD PLACE, DARLINGHURST - PROPOSED CLOSURE
AND SALE OF PART (2021521)**

(ALSO LISTED AS ITEM NO. 27, PLANNING & DEVELOPMENT
COMMITTEE)

That approval be given for advertising and action to be taken for the proposed closure and sale of part of Arnold Place Darlinghurst as shown stippled on Plan No. S6-280/247 in accordance with the revised policy for the proposed closure and sale or lease of laneways and sale of vacant Council owned land as adopted by Council on 12 June 1996 and that a further report be submitted to Council after this process is completed.

(DPWS Report 27.8.99)

Carried.

16.

DONATIONS - ERSKINEVILLE MUSIC FESTIVAL - REQUEST FOR WASTE COLLECTION AND BANNER INSTALLATION (U99-00661)

That approval be given for the Waste Services Branch to collect any waste generated from the Erskineville Music Festival, and the Parks Services Branch to install advertising banners on Erskineville Town Hall and the Police Youth Club with the expenditure involved, estimated to be approximately \$200, being recognised as a Section 356 Donation funded through the 1999/2000 Operational Budget.

(DPWS Report 30.8.99)

Carried.

17.

LEASING - ELIZABETH STREET - NO. 280, SURRY HILLS - COUNCIL'S NEW ADMINISTRATION OFFICES - MANAGEMENT OF CAR POOL (2020750)

That arising from consideration of a joint report by the Director of Public Works and Services and the Director of Corporate Services dated 31 August 1999, Council contracts Kings Parking on an annual basis to manage Council's car pool at Centennial Plaza, 280 Elizabeth Street, Surry Hills for which funds are initially to be added to the current Budget with a view to recover the costs through the insurance claim for the relocation of Council to new premises as a result of the April 1999 hail storm damage.

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

That the matter be deferred and the Director of Organisational Development comment on the proposal.

Motion, as amended by consent, carried.

18.

DEVELOPMENT APPLICATION - STREETSCAPES, THE ELAN KINGS CROSS, CIVIC IMPROVEMENT WORKS - ALLOCATION OF FUNDS FOR STAGE ONE WORKS (U93-00510)

That Council increases its 1999/2000 Budgeted Expenditure by \$69,382 for The Elan Civic Improvement Works (Account FWP2011), all of which is to be funded from the Section 94 Reserve (Account 2EJ.BGYO - 1993 Plan: Open Space/Civic Improvement).

Carried.

19.

FINANCE - ACCOUNTS - INVESTMENTS - MONTHLY REPORT - PERIOD ENDING 30 JULY 1999 (2015594)

That the Investment Report by the Director of Finance dated 31 August 1999, be received and noted.

Carried.

20.

LEASING - REG MURPHY HALL, UPSTAIRS SECTION - GREENKNOWE AVENUE, NO. 10, POTTS POINT - APPLICATION TO LEASE PREMISES BY DARLINGHURST THEATRE/DRAMA (2021160)

That approval be given to the following:-

- (A) That the Darlinghurst Theatre/Drama being offered a 5 year Lease of Council owned premises, upstairs section, Reg Murphy Hall, No. 19 Greenknowe Avenue, Potts Point, at a rental of \$108,300 per annum gross, from a date to be determined, subject to the following conditions, namely:-
- (1) That the rental be reviewed annually by 4%;
 - (2) That Darlinghurst Theatre/Drama pay Council actual rent of \$30,000 and the difference in rent be the subject of an Application under Council's Subsidised Accommodation program 2000;
 - (3) That the requirement to provide both a Bank Guarantee and Personal Guarantees be waived in this instance;
 - (4) That the Lessee's is to provide Council with a Public Liability Insurance Policy in an amount of not less than Ten Million Dollars indemnifying both the Council and the Sub-Lessee for their respective rights and interests against any claims that may arise during the term of the Lease;
 - (5) That any proposed alterations to the leased premises, including refurbishment's, fit-outs, etc. by the Lessee's during the term of the lease period, must be submitted to the Property Branch Manager, Corporate Services Department, prior to any submission of plans etc. to Council's Planning and Building Department for Statutory approvals;
 - (6) That all legal costs associated with the preparation and execution of the necessary Lease documents by Council's Legal Officer are to be borne by the Lessee's;

- (7) That all relevant documents are to be executed by Council's Attorney, if required;
- (8) That this approval lapses 3 months from the date of Council's approval to the granting of the Lease, if the Lessee's have failed to provide the public risk insurance as required, or failed to execute the Lease document.
- (B) That Council retains "free use" of the premises for Community use, as required below:
- Fund Raising and Charity Events 10 days per annum
 - Community Events 15 days per annum
 - Public Meetings 6 days per annum
 - Electoral Booth Usage As required
- (C) That when the premises are not required for use by the Lessee, the Lessee agrees to hire the premises to third party Community Group, as per Council's Schedule of Fees and Charges, as applicable to Community Groups. The hire income is to be retained by Darlinghurst Theatre/Drama.
- (D) That the sum of \$125,000 is to be drawn and allocated from Council's Property Reserve to allow the Properties Branch, Corporate Services Department, to undertake works to ensure that the premises conform to the Disability Discrimination Act.

(DCS Report 31.8.99)

Carried.

21.

PROPERTIES - DOWLING STREET, NOS. 228 - 244, WOOLLOOMOOLOO AND NO. 71 GARDEN STREET, ALEXANDRIA - SEPARATING SEWER CONNECTIONS - REVOTING OF FUNDS (2017713)

That arising from consideration of a report by the Director of Corporate Services dated 26 August 1999, Council revote funds in the sum of \$150,000 for the purpose of separating sewer connections, as required for development consent by Sydney Water, prior to the sale of the subdivided properties, funds for these Capital Works are available from unspent Properties Reserves for 1998/1999, and these funds being replenished following the sale of the properties.

Carried.

22.

ADMINISTRATION - CODE OF CONDUCT - REVIEW (5076501)

Council adopts the Code of Conduct and approves of:-

- (a) the Code of Meeting Practice being amended to incorporate information on how to deal with conflicts of interest in meetings including specifically:
- the need to minute conflicts;
 - declaring the nature of the conflict;
 - how the conflict was handled;
- and because these amendments are not substantial there is no need to give public notice;
- (b) Councillors being able to use fax machines for private purposes provided the use is infrequent and minimal, subject to public notice to this change to the policy for Payment of Expenses and Provision of Facilities for Councillors being advertised as per Section 253 of the Local Government Act, 1993;
- (c) Council paying up to the first \$50 of Councillors' mobile phone calls on their monthly bill, with Councillors paying the remainder, subject to public notice to this change in policy for Payment of Expenses and Provision of Facilities for Councillors being advertised as per Section 253 of the Local Government Act, 1993;
- (d) Staff who make private calls on their mobile phones must pay for such calls by either paying an agreed fixed monthly percentage of their monthly statement, or by paying for each call as per the monthly statement;
- (e) the Gifts and Benefits Policy being amended to no cash being accepted, and declaring gifts and benefits is up to the individual, noting that gifts above \$500 should be in their Pecuniary Interest Return;
- (f) informing the community in the Inner City News that it has adopted a Conflicts of Interest Policy as part of its Code of Conduct.

(DCS Report 1.9.99)

Carried.

23.

**ADMINISTRATION - CORPORATE SERVICES DEPARTMENT,
PROPERTIES BRANCH AND FM MANAGEMENT - PROPERTIES
MANAGER POSITION - FILLING OF POSITION (2011332)**

That the matter be deferred to the next Finance Committee Meeting to be held on Monday, 13 September 1999.

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

That the matter be deferred to the next Finance Committee to be held on 13 September 1999, for the Director of Organisational Development to comment on the proposal, submitted in the Director of Corporate Services report dated 1 September 1999.

Motion, as amended by consent, carried.

24.

**COMPUTERISATION - ARCHIBUS FACILITIES MANAGEMENT,
PROPERTY MANAGEMENT - PURCHASE (2020934)**

That arising from consideration of a report by the Director of Corporate Services dated 1 September 1999, approval be given for Council to purchase the Archibus/FM Property Management Information System from Facilities Assist Budget Ref 0.7461105.

Carried.

The Finance Committee Meeting terminated at 6.59 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)

WEDNESDAY, 1 SEPTEMBER 1999 AT 7.00 PM

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

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

Item 1 - Contractual Matter

Moved by the Acting/Chairperson (Councillor Waters), seconded by Councillor Lay:-

That the Report of the Finance Committee (Confidential Matter) of its meeting of 1 September 1999, be received and the recommendation set out below for Item 1, be adopted.

The Committee **recommended** the following:-

1.

**STREETS - STREET FURNITURE CONTRACT WITH J C DECAUX
AUSTRALIA - AMENDMENT OF COMMENCEMENT DATE (2014501)**

That the recommendation as contained in the report by the Director of Public Works and Services dated 31 August 1999, be approved and adopted.

Carried.

At this stage and at 7.40 pm, it was moved by Councillor Bush, seconded by Councillor Deftereos:-

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

Carried.

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

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

At 7.47 pm the Council Meeting resumed.

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

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

That the recommendation as contained in the report by the Director of Public Works and Services dated 31 August 1999, be approved and adopted.

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

(Councillors Bush, Deftereos, Fenton and Fowler requested that their names be recorded as being opposed to the foregoing motion.)

The Finance Committee (Confidential Matter) Meeting terminated at 7.07 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

1 September, 1999

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillors – Margaret Deftereos, Sean Macken, Greg Waters

At the commencement of business at 7.08 pm those present were -

Councillors:- Deftereos, Fenton, Macken and Waters

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

That the Report of the Community Services Committee of its meeting of 1 September 1999, be received and the recommendations set out below for Items 2 and 3, be adopted. The recommendation set out below for Item 1 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

COMMITTEES - ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES - MINUTES OF MEETING HELD 10 AUGUST 1999 (2017377)B

This matter was submitted to Council without recommendation.

Moved by Councillor Waters, seconded by Councillor Harcourt:-

That the joint report by the Director of Public Works and Services and the Acting Director of Health and Community Services dated 7 September 1999,

regarding the minutes of the meeting of 10 August 1999, of the Access Committee for People with Disabilities, be received and noted.

Carried.

(Councillor Fowler requested that his name be recorded as being opposed to the foregoing motion.)

2.

COMMITTEES - CULTURAL COMMITTEE MEETING 9 AUGUST 1999 - REPORT (C57-00028)

That the report by the Director of Health and Community Services dated 16 August 1999, regarding the Minutes of Council's Cultural Committee Meeting held on 9 August 1999, accompanying the Director's report, be approved and adopted.

Carried.

3.

HEALTH CONTROLS - OLYMPIC "FOODWATCH" AND "STREET EATS" PROGRAMS (2020574)

That arising from a report by the Acting Director of Health and Community Services dated 30 August 1999, it be resolved that:-

- (1) Council make written representation to the South Eastern Sydney Area Health Service and the Central Sydney Area Health Service detailing Council's difficulties in co-operating with the various requests for information and participating in programs of the two respective area health services;
- (2) Council write to the Central Area Health Service outlining Council's considered position in evenly distributing its finite food surveillance resources across the whole of Council's area and as such cannot participate in Central Sydney's Area Health Service's "Street Eats" program.

Carried.

The Community Services Committee Meeting terminated at 7.25 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

1 September 1999

PRESENT

The Mayor, Councillor Vic Smith (Chairperson)

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

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

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

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

That the Report of the Planning and Development Committee of its meeting of 1 September 1999, be received and the recommendations set out below for Items 2 to 4 inclusive, 6,10,12 to 13 inclusive 18, 20, 21 inclusive, and 24 to 27 inclusive, be adopted. The recommendations for Items 1,5,7 to 9 inclusive, 11,14 to17 inclusive, 19, 22 to 23 inclusive having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

MACLEAY STREET, NOS. 50-58, POTTS POINT - USE OF A VACANT SHOP AS A CONVENIENCE STORE - DEVELOPMENT APPLICATION (U99-00720)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mohamed Elmabouly, with the authority of Chadian Pty Ltd, for permission to utilise the vacant shop within the Rex Hotel as a convenience store, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered A1.01 to A1.03 dated May and June 1999 and stamped 'approved';
 - (2) That the hours of operation shall be restricted to between 6.00 am and 1.00 am daily;
 - (3) That the proposed fitout shall comply with Council's Waste Minimisation Fact Sheets and that information confirming

compliance shall be submitted with the Construction Certificate application;

- (4) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia, Australian Standard 1668.1 and 2;
- (5) That the storage and handling of garbage shall comply with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (6) 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 Protection of the Environment Operations Act, 1997;
- (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 or accredited certifier for approval prior to the issue of a Construction of Occupation Certificate:
 - (a) all proposed mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the recycling storage area;

and the following adopted standard conditions:

- (8) Obstruction of Public Way³⁰²⁹
- (9) Delivery of Construction Materials³⁰³²
- (10) Construction Hours⁹¹⁵¹
- (11) Works Within Boundary⁹¹⁵²
- (12) Compliance with Building Code of Australia⁸⁵⁰¹
- (13) Maintaining Unobstructed Access to Exits⁹⁴²⁶
- (14) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (15) Maintenance of essential services⁹⁵¹⁴
- (16) Fitout of Food Premises⁷⁰²⁰
- (17) Air Handling - Food⁷⁰²²
- (18) Trade Waste⁷⁰⁶⁵

(19) Noise⁷⁰²⁸

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

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

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

It was moved by Councillor Lay, seconded by Councillor Harcourt, that the motion be amended by the addition of a condition (20) to the recommendation, namely:-

- (20) That all loading and unloading operations shall be carried out on site via loading docks accessed from Baroda Lane and internally within the building.

It was moved as an amendment by Councillor Bush, seconded by Councillor Fenton, that the convenience store operate for 24 hours.

Amendment negatived.

Motion, as amended by Councillor Lay, carried.

2.

SURREY STREET, NOS. 28-30, DARLINGHURST - SECTION 96 - APPLICATION TO AMEND CONSENT FOR RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION(U97-00712)

- (A) That the Council having considered an application pursuant to Section 96 of the Environmental Planning and Assessment (Amendment) Act 1997 to vary a development consent granted on 10 December 1997 for alterations to an existing residential flat building, to make further additions grants its consent subject to the deletion of conditions (1) and (2) and the substitution of the following new conditions, namely:-

- (1) That the work shall be generally in accordance with plan 97081 and 2 dated May 1996 as amended by detail coloured in green on plans A-01 to A-04 dated May 1999;
- (2) Section 94 Contributions - General

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions

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

Contribution Category	Amount	Account
Open Space Land Acquisition	\$3,273	2E97001.BGY0
Open Space/Townscape/ Public Domain	\$1,002	2E97002.BGY0
Accessibility And Transport	\$ 10	2E97006.BGY0
Management	<u>\$ 50</u>	2E97007.BGY0
Total	\$5,233	

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

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

where:

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made (before the release of the construction permit / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

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

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

- (19) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$1,200, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.
- (20) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (21) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone
- (22) That all relevant sections of the BCA shall be complied with;
- (23) 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;
- (24) That the requirements of the Work Cover Authority shall be complied with;
- (25) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes;
- (26) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (27) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;

- (28) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 of the BCA respectively;
- (29) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
- (30) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (31) That all proposed work shall be wholly within the boundaries of the site;
- (32) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (33) 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;
- (34) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (35) That where a structural member is subject to attack by subterranean termites provision shall be made for:-
 - (a) Physical barriers in accordance with AS 1694
 - (b) Soil treatment in accordance with B1.3 of the BCA and AS 2057;
- (36) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing tight fitting solid core doors not less than 35mm in thickness in accordance with the requirements of C3.11 of the BCA;
- (37) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;

- (38) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (39) That the walls and ceilings of the storage cupboard under the stairs shall have a fire resistance level of 60/60 and be fitted with a 60/30 fire door, complying in all respects with the requirements of AS1905; or alternatively, the area shall be permanently sealed against use of any kind;
- (40) That all walls bounding sole occupancy units shall have a minimum fire resistance level of 60/60/60;
- (41) That the main electrical switchboard and all electrical sub-boards shall be fully enclosed in construction having a minimum fire resistance level of 60/60/60;
- (42) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
- (43) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (44) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (45) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (46) That the walls between flats or units shall be constructed of materials having sound transmission classes in accordance with F5.4 of the BCA;
- (47) That the floors between the flats shall be constructed of materials having sound transmission class not less than 45 in accordance with the requirements of F5.3 of the BCA;
- (48) 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 F1.4 of the BCA;
- (49) That good housekeeping shall be maintained at all times;
- (50) That egress paths are to be kept free of obstructions/storage at all times;
- (51) That the electrical installation serving the subject premises shall be inspected by a suitably qualified electrical contractor and certified accordingly;

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

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

- (53) That any gas installation to the whole of the premises shall be inspected by a suitably qualified gas fitter and certified as complying with the relevant safety requirements of AGL Gasfitting Rules Vol 1;
- (54) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (55) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (56) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (57) 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;
- (58) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (59) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (60) That Fire Alarm Bells complying with Australian Standard 1603.6 shall be installed externally and in each level of the building internally;

- (61) That bounding construction shall comply fully with the requirements of Clause C.3.11 of the BCA;
- (62) That openings in external walls shall be redesigned where required to comply with the requirements of Clauses C3.2, C3.3 and C3.4 of the BCA;
- (63) That exit travel distances shall comply fully with the requirements of Clause D1.4 of the BCA with specific attention directed to the car park level;
- (64) That the exit stairway to units 1, 2 & 3 shall be redesigned so as not to discharge into the driveway;
- (65) That skylights shall comply fully with the requirements of Clause 3.6 of Specification C1-1 of the BCA;
- (66) That natural light and ventilation shall be provided in accordance with the requirements of Part F.4 of the BCA with attention directed to Units 9, 5 and 1;
- (67) That all existing timber floors required to be of 'Type A' construction shall have ceilings beneath them constructed of material having resistance to the incipient spread of fire of one hour;
- (68) That any floor separating sole occupancy units shall have the ceiling beneath it constructed of material having resistance to the incipient spread of fire of one hour.

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 person who made representations in respect of the proposal be advised of Council's decision.

Carried.

3.

CLEVELAND STREET, NO. 359, REDFERN - ERECTION OF UNAUTHORISED CARPORT, COVERED STRUCTURE AND FENCE - BUILDING APPLICATION (2015228)

(A) That with regard to the unauthorised work at the abovementioned premises consisting of the carport, covered structure and fence, Council as the responsible authority, issue an order pursuant to Section 121B of the EP & A Act 1979 (as amended) on the owners of the premises to:-

- (1) Protect the openings in the wall of the kitchen and store area behind the shop by wetting sprinklers or -/60/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
- (2) Reduce the height of the fence between No. 359 and No. 361 Cleveland Street by approximately 1.2m to the height of the existing brick fence;
- (3) Provide a structural certificate from a practising structural engineer registered with the Council as to the structural adequacy of the unauthorised works;
- (4) Provide an adequate stormwater drainage system to the satisfaction of the Director of Planning and Building. Details of the existing and proposed drainage system submitted to Council for consideration and approval

-within 28 days from the date of the order.

- (B) That Council write to the owners of the premises warning them that if works are carried out in future without first obtaining approval Council will enforce its full powers given under the Environmental Planning and Assessment Act as amended with regard to prosecution.
- (C) That subject to compliance with (A) above Council take no further action with regards to the unauthorised work.
- (D) That the persons who made representations in respect of the unauthorised work be advised of Council's decision.

Carried.

4.

ELIZABETH STREET, NO. 481, SURRY HILLS - USE PREMISES AS A BROTHEL - DEVELOPMENT APPLICATION (U99-00188)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Dominique Marechal, with the authority of Ajax Cleaning Co Pty Ltd, for permission to use the premises at 481 Elizabeth Street, Surry Hills as a brothel for the following reasons, namely:-
- (1) That the proposal is inconsistent with the provisions of South Sydney Local Environmental Plan 1998, in particular having regard to the objectives of the Mixed Use Zone No. 10;
 - (2) That the proposal is inconsistent with the aims and objectives of Development Control Plan 1997 – Urban Design, and in particular the objectives of the Mixed Use Zone;
 - (3) That the proposal does not to comply with the requirements, aims and objectives of South Sydney Council's Draft Sex Industry Policy, particularly amenity and cumulative impact;
 - (4) That the proposed development would have an adverse impact on the amenity of the neighbourhood due to its scale and size;
 - (5) That the granting of consent would not be in the public interest.
- (B) That the matter be referred to Council's Solicitors to pursue enforcement action requiring cessation of the use.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

5.

FORBES STREET, NOS. 5-23, NEWTOWN - ERECTION OF SINGLE DWELLING HOUSE - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-00542)

- (A) That the Council, as the responsible authority, grant its consent to development application submitted by Aibee Architects with the authority of The Healing Ministry Centre Golden Grove Ltd for permission to erect a single 2-storey dwelling house, at Nos. 5-23 Forbes Street, Newtown, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the application and accompanying plans numbered 9807235.X01A,

DA01 and DA02 dated May 1999, and the Statement of Environmental Effects dated 25 May, 1999;

(2) Section 94 Contributions - Admin Centre

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.

<u>Contribution Category</u>	<u>Amount</u>	<u>Account</u>
Multi-Function Administration Centre	\$8662	E97008.BGYO

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

Contributions at Time of Payment = $C \times \text{CPI2} / \text{CPI1}$, 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 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.

(3) Section 94 Contributions

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.

<u>Contribution Category</u>	<u>Amount</u>	<u>Account</u>
Open Space : LGA Works Programme	\$ 5792	E97003.BGYO
Open Space : New Parks	\$2,9112	E97009.BGYO
Accessibility and Transport	\$ 172	E97006.BGYO
Management	\$ 482	E97007.BGYO

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

Contributions at Time of Payment = $C \times \text{CPI2} / \text{CPI1}$, 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 June 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.

Note : No works, including works listed in the adopted Section 94 Contributions Plan, will be offset 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 the 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 full 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 all existing palm trees required to be removed for the development shall be transplanted into the surrounding garden area;
- (5) That tree protection measures shall be taken to protect the trunk and roots of trees in close proximity to the proposed development;
Note : The proposed removal of the *Cinnamomum camphora* and *Pittosporum undulatum* will be approved.
- (6) That details of materials shall be submitted (coloured elevations to an appropriate scale) including proposed materials, colours and finishes with the application for a Construction Certificate, in respect of the following :
 - (a) external finishes to walls;
 - (b) roofing;
 - (c) windows and doors;
 - (d) balustrade and balcony supports;
 - (e) garage door;
 - (f) boundary fences.
- (7) That the overall building height shall be reduced by 0.3 metres by means of lowering of the floor-to-ceiling height of the Ground floor from 3.0 metres to 2.7 metres;
- (8) That the front building alignment of the development shall be modified to either :
 - (a) match the front building alignment of the adjoining building at No. 22 Queen Street; or
 - (b) be aligned in parallel with the main building of the adjacent Health Ministry Centre;
- (9) That in complying with the modification referred to in condition (8)(b) above the rear walls of the development shall not be extended further east;

and the following adopted standard conditions:

- (10) 115 - Maximum FSR 0.99:1;
- (11) 122 - Consolidate Lots;
- (12) 123 - Street Number Application;
- (13) 124 - Display Street Number;
- (14) 1016 - Alignment Levels;
- (15) 3025 - Road Opening Permit;
- (16) 3026 - Cost of Signposting;
- (17) 3028 - Footway Crossing;
- (18) 3029 - Obstruction of Public Way;
- (19) 3032 - Delivery of Construction Materials;
- (20) 4001 - Stormwater Standard;
- (21) 4002 - Clean Water Discharge;
- (22) 5001 - Landscape Plan;
- (23) 5005 - Tree Preservation Order;
- (24) 5007 - Moving Trees;
- (25) 5008 - Street Trees;
- (26) 5014 - Maintenance of Landscaping;
- (27) 5015 - Final Inspection;
- (28) 6002 - Refuse Skips;
- (29) 7023 - Ventilation:
- (30) 7026 - Noise and Vibration;
- (31) 7035 - Mechanical Ventilation - Design/Ventilation (a);
- (32) 7068 - Soil and Sediment Control;
- (33) 8004 - Sewer Discharge;

- (34) 9001 - Survey Certificate at Set Out Stage;
- (35) 9002 - Survey Certificate at Completion;
- (36) 9104 - Comply With BCA;

Note : The applicant is advised that this application has not been assessed for compliance with the Building Code of Australia or Local Government (Approvals) Regulations.

- (37) 9151 - Construction Hours;
- (38) 9152 - Works Within Boundary;
- (39) 9155 - Construction Certificate Required;
- (40) 9156 - Building/Demolition Noise Control.

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

At the request of Councillor Lay, and by consent, the motion was amended by:-

- (1) the amount "\$8,662" where appearing in condition (2) of the recommendation under the heading Multi Function Administration Centre being amended to read "\$866";
- (2) the deletion of all the amounts detailed in the Section 94 under the heading Part (A) Contribution Category and the insertion in lieu thereof of the amounts in order:

Open Space: LGA Works Programme	\$ 579
Open Space : New Parks	\$2,911
Accessibility and Transport	\$ 17
Management	\$ 48
Total	\$3,555

- (3) condition (10) of the recommendation to read:

(10) That the maximum permissible FSR shall not exceed 0.99:1.

Motion, as amended by consent, carried.

WARD AVENUE, NO. 10, ELIZABETH BAY - ALTERATIONS AND ADDITIONS TO BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-00693)

- (A) That the Council as the responsible authority grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment (Amendment) Act 1979 to the Development Application submitted by Architectural Property Services, with the authority of Norman Street Developments Pty Limited, for permission for alterations and additions to the building and to use the premises for a commercial and residential premises, subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has provided details of the following matters which shall be submitted within three months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to approval of the Construction Certificate:
 - (2) Submission of further details and plan amendments in accordance with Conditions (5), (7), (9), (11), (12), (14), (15), (17), (18), (20) and (33);
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with the Council a fee of \$7,800 in the form of Cash or non-expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (3) That prior to issuing a development consent, it will be necessary to produce evidence of 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 \$1,200, or first instalment (as applicable), can be paid to the Council;
 - (4) That the development shall be generally in accordance with plans 01 to 07 and dated May 1999, endorsed by Council and subject to the amendments outlined below;
 - (5) That all the recommendations contained in Section 4.3 of the Heritage Impact Statement prepared by Graham Brooks and dated August 1999 shall be implemented and further details showing how it is proposed to comply with these requirements shall be lodged to Council and shall be to the satisfaction of the

Director of Planning and Building prior to approval of the Construction Certificate;

- (6) That the north west gable of the Unit 4 shall be narrowed to match the hip width of the existing main building on the site and the proposed gambrel gambrel to the eastern elevation roof shall be deleted. Details of the amended roof form shall be submitted to Council and shall be to the satisfaction of the Director of Planning and Building prior to the approval of the Construction Certificate;
- (7) That the proposed rear balconies shall be amended so that they better reflect the heritage characteristics of the building. This may require deletion of the cantilevered balconies and the establishment of a timber post and beam balcony system. Details shall be submitted and shall be to the satisfaction of the Director of Planning and Building prior to the approval of the Construction Certificate;
- (8) That the internal staircase, plaster work and fireplaces shall be retained;
- (9) That the existing eastern elevation glass windows and joinery located immediately adjacent to the southern boundary within the stairway of the main building shall be reused on the site if BCA requirements for fire rated windows necessitate their removal. Details of which shall be submitted to Council and shall be to the satisfaction of the Director of Planning and Building prior to the approval of the Construction Certificate;
- (10) That if it is not possible to strip the paintwork of the existing building (a peel away system is recommended), a sympathetic colour scheme shall be used. Details shall be submitted and shall be to the satisfaction of the Director of Planning and Building prior to the approval of the Occupation Certificate;
- (11) That the living/dining room doors of units 1,2 and 3 which provide access to the private balconies shall be moved toward Roslyn Lane and shall be a minimum of 3000mm from the eastern boundary of the site (St Luke's Hospital site boundary), whilst maintaining the same dimensions. Details of which shall be submitted to Council and shall be to the satisfaction of the Director of Planning and Building prior to the approval of the Construction Certificate;
- (12) That the rear wall and side walls (eastern elevation) of the living/dining room for units 1,2 and 3 shall be moved a minimum of 1500mm toward the west and that the deleted floor area shall be converted to private open space in the form of balconies, so that a minimum of 17 square metres of private open space shall be

provided in association with Units 1, 2 and 3. Details of these amendments including details of the modified roof form arising from this condition shall be submitted to Council and shall be to the satisfaction of the Director of Planning and Building prior to the approval of the Construction Certificate;

- (13) That the bedroom doorways of Units 1,2 and 3 which provide access to the proposed deck shall be deleted and shall be replaced by a fire rated window with a maximum surface area no greater than the proposed doors. The window shall comply with the requirements of the Building Code of Australia;
- (14) That the proposed western elevation dormer window associated with Unit 4 shall be extended to create a doorway and shall access a balcony which shall be established at the roof. The balcony shall have a minimum depth of 2 metres and an area of approximately 8 square metres, and shall be centrally located on the roof. Details are to be submitted to Council and shall be to the satisfaction of the Director of Planning and Building prior to the approval of the Construction Certificate;
- (15) That the balustrades and balusters established around the rooftop deck required by Condition (14) shall be lightweight and compatible with the heritage characteristics and significance of the site and area. Details of which are to be submitted to Council and shall be to the satisfaction of the Director of Planning and Building prior to the approval of the Construction Certificate;
- (16) That a maximum provision of five parking spaces shall be provided on the site;
- (17) That the parking spaces shall not be provided in a stacked arrangement as shown on the plans, and that each of the parking spaces shall be independently accessed. This may require the deletion of parking spaces or the installation of a mechanical vertical stack parking system. An amended parking configuration shall be submitted to Council and shall be to the satisfaction of the Director of Planning and Building prior to the approval of the Construction Certificate;
- (18) That a separate door shall provide access to the garbage room and shall not be a roller door as proposed. Details of which shall be to Council and shall be to the satisfaction of the Director of Planning and Building prior to the approval of the Construction Certificate;
- (19) That the driveway width be reduced to a maximum of 6 metres;
- (20) That the garage roller door shall be reduced in size in accordance with the abovementioned requirements in Condition (18) to

establish a separate doorway to the garbage storage room and that the garage door shall be a profiled panel lift door in lieu of a roller door. Details of which shall be submitted to Council and shall be to the satisfaction of the Director of Planning and Building prior to the approval of the Construction Certificate;

- (21) That a heat pump system shall be established on the site so as to accommodate all the residential hot water needs of the proposed building. That details of the location and capacity of the heat pump system/s shall be submitted with the Construction Certificate;
- (22) That a statement from a suitably qualified energy adviser shall be submitted with the proposed heat pump system details required by Condition (21), indicating the suitability of the proposed system in terms of location, capacity and the projected needs of the residential units;
- (23) That a separate application shall be submitted to Council for approval of part of the premises as a cafe and commercial tenancy;
- (24) That a separate application shall be submitted for any proposed signage on the site;
- (25) That the applicant is encouraged to relocate the bathrooms of Units 2 and 3 to an area adjacent to the lightwell at the southern elevation and to relocate the second bedroom of units two and three to the area adjacent to Roslyn Lane so as to ensure higher amenity of the units through increased natural light and air ventilation to the bedrooms;
- (26) 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	\$1,195	2E97003.BGY0
Open Space: New Parks (Fixed Component)	\$6,137	2E97009.BGY0
Accessibility And Transport Management	\$ 362	E97006.BGY0
	\$ 882	E97007.BGY0

Total **\$7,456**

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

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

where:

C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 1998/99.

The above amount must be paid to the Council in cash or by unendorsed bank cheque.

Payment shall be made (before the release of the approved building plans / 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 lodgment 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;

- (27) 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	\$2039	

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

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

where:

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

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made (before the release of the construction permit / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

- (28) That all proposed works shall be wholly contained within the boundaries of the site;
- (29) That a garbage room shall be constructed in accordance with the requirements of Council's Waste Management/ Minimisation Fact Sheets and shall be detailed in the application for a Construction Certificate;
- (30) That a separate recycling storage area for the residential and commercial use shall be provided on the site and shall be detailed in the application for a Construction Certificate and shall be in accordance with Council's Waste Management/ Minimisation Fact Sheets;
- (31) That bicycle storage facilities for a minimum of 2 bicycles shall be provided on the site in accordance with Development Control Plan No. 11. Details of which shall be provided in the application for a Construction Certificate;
- (32) That the owner/developer shall dedicate to the Council, free of cost to the Council, the following land:

1.5 metre splay at the intersection of Ward Avenue and Roslyn Lane
- (33) 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 recycling storage area;
 - (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes of commercial food premises;
- (34) That an exit shall be provided to the lower ground floor garage area that shall comply fully with the requirements of Part D of the BCA;

- (35) That natural light and air ventilation shall fully comply with the requirements of Part F.4 of the BCA;
- (36) That all walls bounding public corridors shall have a minimum fire resistance level of 60/60/60
- (37) That appropriate arrangements shall be made for the removal of domestic rubbish to the satisfaction of council's Public Works and Services Department;

and the following adopted standard conditions:

- (38) Resident Parking Access³⁰⁰¹
- (39) Landscape Plan⁵⁰⁰¹
- (40) Glazing Reflectivity less than 20%¹¹⁸
- (41) Works on Public Way Cost¹⁰⁰²
- (42) Alteration of Public Services¹⁰⁰⁶
- (43) Builders Hoarding Permit¹⁰⁰⁸
- (44) Alignment Levels¹⁰¹⁶
- (45) Underground Support¹⁰¹⁷
- (46) Resident Parking Access³⁰⁰¹
- (47) Road Opening Permit³⁰²⁵
- (48) Cost of Signposting³⁰²⁶
- (49) Footway Crossing³⁰²⁸
- (50) Obstruction of Public Way³⁰²⁹
- (51) Delivery of Construction Materials³⁰³²
- (52) Stormwater Standard⁴⁰⁰¹
- (53) Clean Water Discharge⁴⁰⁰²
- (54) On Site Detention –Stormwater⁴⁰⁰³
- (55) Refuse Skips⁶⁰⁰²
- (56) Commercial Garbage Storage⁶⁰⁰⁴

- (57) Containers for Garbage⁶⁰⁰⁶
- (58) Position of Garbage Area⁶⁰⁰⁵
- (59) Garbage Room⁶⁰¹¹
- (60) Construction Noise⁷⁰⁰⁸
- (61) Exhaust for Food⁷⁰²¹
- (62) Fitout of Food Premises⁷⁰²⁰
- (63) Sanitary Facilities⁷⁰¹⁶
- (64) Ventilation⁷⁰²³
- (65) Noise⁷⁰²⁸
- (66) Car Park Ventilation⁷⁰²⁹
- (67) Sewer Discharge⁸⁰⁰⁴
- (68) Compliance with Building Code of Australia⁸⁵⁰¹
- (69) Survey Certificate at Completion⁹⁰⁰²
- (70) Drainage Details with Construction Certificate⁹⁰¹³
- (71) Stormwater Certificate at Completion⁹⁰¹⁶
- (72) Hours of Work and Use of Cranes⁹¹⁵³
- (73) Work on Public Way⁹¹⁵⁴
- (74) Comply With BCA⁹¹⁰⁴
- (75) Comply With the WorkCover Authority⁹¹⁰⁵
- (76) Structural Design Certificate⁹⁰⁰⁶
- (77) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (78) Construction Hours⁹¹⁵¹
- (79) Works Within Boundary⁹¹⁵²
- (80) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (81) Building/Demolition Noise Control⁹¹⁵⁶

- (82) Demolition to Comply With Aust Standard⁹¹⁶³
- (83) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (84) Commencement of Structural Works⁹²⁰²
- (85) Protection from Termites⁹²⁰³
- (86) Protection of Openings⁹³⁰⁷
- (87) Fire Doors to Sole-Occupancy Units⁹³¹⁵
- (88) Services Passing Through a Floor⁹³¹⁸
- (89) Glazing Provisions⁹³³⁰
- (90) Exit Doors Installed in a Path of Travel to an Exit⁹⁴²¹
- (91) Width of Stairs and Vertical Clearance⁹⁴¹⁸
- (92) Protection of walls and floors in wet areas⁹⁶⁰²
- (93) Clothes washing and drying facilities⁹⁶⁰³
- (94) Good Housekeeping⁹⁸⁵¹
- (95) Egress Paths to be Kept Clear⁹⁸⁵²
- (96) Certification of Electrical Installation⁹⁸⁵³
- (97) Storage Cupboards under Stairs⁹⁸⁶⁶
- (98) Sound transmission classes of walls⁹⁶¹⁷
- (99) Sound transmission classes of floors⁹⁶¹⁹
- (100) Ceiling heights of rooms or spaces⁹⁶¹²
- (101) Mechanical ventilation⁹⁶¹⁵
- (102) Mechanical ventilation to internal bathrooms and laundries⁹⁶¹⁶
- (103) Construction of External Walls for Dampness⁹⁶²³
- (104) Bounding Sole Occupancy Unit Walls⁹⁸⁶¹
- (105) Fire Extinguishers be Installed⁹⁵⁰¹
- (106) Hose Reels be Installed⁹⁵⁰⁶

- (107) Hydrants be Installed⁹⁵⁰⁷
 - (108) Emergency lighting⁹⁵¹⁸
 - (109) Exit signs⁹⁵¹⁹
 - (110) Sprinkler System⁹⁸⁶⁹
 - (111) Fire detection and alarm system⁹⁵²²
 - (112) Fire Blanket be Installed⁹⁵⁰³
 - (113) Construction Certificate Required⁹¹⁵⁵
 - (114) Building/Demolition Noise Control⁹¹⁵⁶
 - (115) Soil and Sediment Prosecution Note⁷⁰⁶⁹
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
 - (C) That the Planning and Building Department investigate the inclusion of the subject property in the Schedule of Items of Environmental Heritage in Draft Local Environmental Plan 1996.

Carried.

7.

CONCORD STREET, NOS. 1-3, ERSKINEVILLE - CONSTRUCTION OF TWO 3 BEDROOM TOWN HOUSES AND FOUR 2 BEDROOM TOWN HOUSES - DEVELOPMENT APPLICATION (U99-00199)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Waters:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Caldis Cook Group Ltd on behalf of Starlake Body Repairs, for permission to erect 6 townhouses at Nos. 1-3 Concord Street, Erskineville, subject to the following conditions, namely:-
 - (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$7,650 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no

damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$1,100, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development shall be generally in accordance with amended plans dated July 1999 numbered DA01A to DA03A;
- (4) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$ 2,813	2E97001.BGY0
Open Space/Townscape/Public Domain	\$14,138	2E97002.BGY0
Accessibility And Transport	\$ 84	2E97006.BGY0
Management	\$ 232	2E97007.BGY0
Civic Centre	\$ 4,203	
Total	\$21,470	

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

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

where:

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

consent being the March Quarter 97/98 (Amend as applicable)

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made (before the release of the construction permit / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

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

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

- (5) That a 1.8m high lapped paling fence shall be erected along the northern and eastern boundaries of the site;
- (6) 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);
- (7) That the developer/registered proprietor shall advise any initial purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to new residential flat developments located in Resident Parking Scheme areas;
- (8) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by the

Council, unless other arrangements are approved in writing by the Director of Public Works and Services;

- (9) 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;
- (10) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (11) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (12) That 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;
- (13) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater drainage system, in accordance with Council's requirements;
- (14) That 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);
- (15) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00 a m and 5.00 p m on Mondays to Fridays, and 7.00 a m and 3.00 p m on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);

- (16) That all proposed work shall be wholly within the boundaries of the site;
- (17) That a separate development application shall be lodged for the subdivision of the site;
- (18) That a solar hot water heater, heat pump or energy efficient natural gas system shall be installed in accordance with the controls and guidelines on page 108 of the DCP 1997;
- (19) That all relevant sections of the BCA shall be complied with;
- (20) 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;
- (21) That the requirements of the Work Cover Authority shall be complied with;
- (22) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
- (23) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (24) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (25) That all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (26) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;

- (27) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia or the Local Government (Approvals) Regulations;
- (28) That an Environmental Site Assessment (Land Contamination Assessment) is to be carried out in accordance with the requirements of the DUAP Managing Land Contamination Guidelines, EPA Guidelines and State Environmental Planning Policy No. 55 (SEPP 55). The assessment will be required to assess potential risk posed by contaminants (if present) to health and the environment. Where contamination has been identified as an issue the environmental site assessment will be required to include a site audit statement prepared by an EPA accredited auditor stating that the land is suitable for the proposed use. Council reserves the right to require a site audit at any stage of the investigatory and/or remediation process.

NOTE: Where remediation is required the applicant is advised that a separate development consent may be required pursuant to the Environmental Planning & Assessment Act, 1979 and SEPP 55.

- (29) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (30) That sanitary and other facilities shall be provided in accordance with the requirements of the Building Code of Australia, Part F2;
- (31) 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";
- (32) 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;
- (33) 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;

- (34) That plans and specifications showing details of:-
- (a) all required mechanical ventilation systems;
 - (b) the garbage room;
 - (c) the recycling storage area;
- shall be submitted to the Director of Planning and Building and approval obtained before installation is commenced;
- (35) That the developer/owner shall accept responsibility for all costs associated with the design and construction of any works on the public way (including kerb, gutter, pavement, footpath paving, landscaping, drainage and alteration of public utility services), with such works to be carried out by Council's workforce (unless otherwise agreed in writing by the Director of Public Works and Services);
- (36) 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);
- (37) That the owner/developer shall dedicate to the Council, free of cost to the Council, the following land:
- (a) a 2m by 2m splay at the intersection of Concord Street and Concord Lane;
- (38) That the developer shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerbing, guttering, drainage etc. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (39) 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);
- (40) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;

- (41) 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;
- (42) 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;
- (43) 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;
- (44) 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;
- (45) 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;
- (46) 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);
- (47) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00 a m and 5.00 p m on Mondays to Fridays, and 7.00 a m and 3.00 p m on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor 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);
- (48) That all proposed work shall be wholly within the boundaries of the site;

- (49) 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;
- (50) That a detailed landscape plan and specification for the site, prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services prior to or with the application for a construction certificate. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include construction details. The plans shall be approved by the Director of Public Works and Services prior to the approval of the construction certificate;
- (51) That the developer shall submit with the landscape plan an annual maintenance programme for landscaping on the site, which is to be supplied to the body corporate or building owner for ongoing maintenance of the site;
- (52) That the landscaping works shall be to the satisfaction of the Parks Development Branch (ring to arrange a final inspection), prior to issuing an occupation certificate;
- (53) That a garbage/recyclable materials room or garbage/recyclable materials storage area shall be provided within the site in an approved position and constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (54) That the garbage/recycling storage area shall be located at the street level in a position that can access a kerbside collection service, to be detailed in the application for a construction certificate;
- (55) That the garbage/recycling areas shall make provision for containerisation requirements set by Council's Waste Services Section;
- (56) That a detailed landscape plan and specification for the site, prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services prior to or with the application for a construction certificate. The plan shall nominate hardworks and softworks, including decorative paving

types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include construction details. The plans shall be approved by the Director of Public Works and Services prior to the approval of the construction certificate;

- (57) That the developer shall submit with the landscape plan an annual maintenance programme for landscaping on the site, which is to be supplied to the body corporate or building owner for ongoing maintenance of the site;
- (58) That the landscaping works shall be to the satisfaction of the Parks Development Branch (ring to arrange a final inspection), prior to issuing an occupation certificate;

NOTE 1:

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

NOTE 2:

The excavated material construction supplies and on site debris be stockpiled within the property and not encroach upon the footpath, nature strip or road.

NOTE 3:

The applicant is advised that use of the laneway to park and store vehicles associated with Starlake Body Repairs should cease once construction commences on site.

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

Carried.

FLINDERS STREET, NOS. 10-24, DARLINGHURST - INCORPORATE SHOP INTO NIGHTCLUB - DEVELOPMENT APPLICATION (U99-00605)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority refuses its consent to the development application submitted by ARQ Sydney, with the authority of Shad Danesi, for permission to use No. 18 Flinders Street for the housing of up to 30 Approved Amusement Devices and incorporation of shop into adjoining hotel/night club, for the following reasons, namely:-
- (1) That the appearance of the premises would detract from the retail streetscapes around Taylor Square as it would present an inactive shopfront and would therefore be contrary to Council's DCP 1997 - Urban Design;
 - (2) That the proposal would be inappropriate to both the established and envisaged character of Taylor Square;
 - (3) That the proposal would represent an unacceptable intensification of the approved ARQ Nightclub with consequent adverse impacts on nearby residential amenity;
 - (4) 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.

Carried.

9.

OXFORD STREET, NOS. 34-46, DARLINGHURST - EXTEND TRADING HOURS OF EXCHANGE HOTEL - DEVELOPMENT APPLICATION (U99-00560)

This matter was submitted to Council without recommendation.

Moved by Councillor Fowler, seconded by Councillor Lay:-

- (A) That the Council as the relevant authority grants its consent to the application submitted by Elizabeth Court, with authority of Cremorne Arcade Pty Ltd (Owner) to extend trading hours of Exchange Hotel to 24 hours, 7 days and to provide live entertainment on the first floor (Lizard Lounge), subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with details contained within the Statement of Environmental Effects prepared by Design Collaborative dated May 1999;
- (2) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (3) That the use of the premises shall not give rise to:-
 - (a) transmission of 'offensive noise' to any place of different occupancy, or
 - (b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10,15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.
 - (c) a sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Environmental Noise Control Manual; or, A sound pressure level at any affected premises that exceeds the NSW, EPA recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises (NSW, EPA Draft Stationary Noise Source Policy).
- (4) That the LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am 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.

That the LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00 a m 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.

Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours 12.00 midnight to 7.00 a m.;

NOTE: Where this condition is inconsistent with the requirements imposed by the Liquor Administration Board or Liquor Licensing Court the more stringent condition will prevail.

- (5) That the extension of hours shall be commenced within six months of the date of this consent and shall cease after a period of 12 months from the date of commencement. 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 use (it should be noted that the trial period and the consent may be deemed not have commenced unless the full range of hours approved has continually occurred during the trial period).

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.

10.

FORMER ACI SITE - NOS. 807- 851, SOUTH DOWLING STREET, WATERLOO - MASTERPLAN REFINEMENTS (2010853)

- (A) That Council adopt the ACI site Masterplan refinements submitted by Meriton Apartments for the site at 807-851 South Dowling Street, Waterloo, as shown in plans marked S1130 MP-01 to 07.
- (B) That public notice be given of Council adoption.
- (C) That a clear separation between buildings incorporating a pedestrian through-site link be provided to connect Amelia and Lachlan Street to the south.

(DPB Report 27.8.99)

- (D) That Meriton Apartments be advised that Council favours the option of a building without a bridge adjacent to the park.

It was moved by Councillor Bush, seconded by Councillor Fowler, that the motion be amended by the addition of a clause (E) to the recommendation, namely:-

- (E) That this adoption of the Masterplan does not reflect an acceptance by Council of the valuation figures detailed in the report by the Director of Planning and Building dated 27 August 1999.

Motion, as amended by Councillor Bush, carried.

At this stage and at 8.03 p.m. Councillor Waters left the Council Meeting and did not return.

11.

BAYSWATER ROAD, NOS. 96-106, RUSHCUTTERS BAY - APPLICATION FOR CONFERENCE ROOMS - DEVELOPMENT APPLICATION (U97-00438)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That Council as the responsible authority refuses the application under Section 96 of the Environmental Planning and Assessment Act to amend the development consent granted on 7 January 1998 for the erection of a hotel and residential flat building, for the following reasons, namely:-
- (1) That the proposal to provide meeting and function rooms would adversely affect the amenity of adjoining residences in Waratah and Clement Streets by reason of light spill and noise transmission from uses within the building and roof deck adjacent;
 - (2) That the proposal is likely to result in increased activity in Waratah and Clement Streets from patrons and service vehicles causing noise and disruption to the residential amenity;
 - (3) That the proposal is likely to result in increased demand for off street parking for which no additional provision has been made within the hotel. This will further exacerbate on street parking problems;
 - (4) That given the circumstances of the case the proposal is not considered to be in the public interest.
- (B) That Council's Solicitors take urgent legal action to restrain the use of the meeting and function rooms and to have the unauthorised building

works removed and the development completed in accordance with the development consent.

Carried.

12.

BOURKE STREET, NOS. 103-107, WOOLLOOMOOLOO - ERECT FOUR INTERNALLY ILLUMINATED ADVERTISING DISPLAYS - DEVELOPMENT APPLICATION (U99-00408)

That the application submitted by Rail Access Corporation, for permission to install four illuminated advertising signs (85sqm each) located on the railway viaduct, above the Eastern Distributor, be deferred as requested by the applicant in the letter dated 31 August 1999.

Carried.

13.

CHALMERS STREET, NO. 229, REDFERN, EXTEND HOURS OF WOOLPACK HOTEL AND PUBLIC ENTERTAINMENT LICENCE - DEVELOPMENT APPLICATION (U99-00567)

(A) That the Council as the responsible authority grants a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to the development application submitted by Essential Certifiers Pty Ltd, with the authority of the owner (Woolpack Hotel Redfern Pty Ltd), for permission to extend the trading hours and a public entertainment licence at the abovementioned premises, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has provided details responding to the following matter, which shall be submitted within three months of the date of this deferred commencement consent and shall be to the satisfaction of the Director of Planning and Building and shall be approved in writing by the Director of Planning and Building prior to commencement of the use:

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 identification of sensitive noise receivers potentially impacted by the proposal;

- (2) That the hours of operation involving public entertainment on the premises shall be restricted to 9.00 a.m. to 9.30 p.m. Mondays to Wednesdays, 9.00 a.m. to 11.30 p.m. Thursdays to Saturdays and 10.00 a.m. to 8.00 p.m. Sundays;
- (3) That the public entertainment licence shall cease after a period of twelve months from the date of commencement. A further development application for the continuation of the use may be lodged for Council's consideration prior to the expiration of this consent;
- (4) That the distance between alternative exits shall comply with the requirements of Clause D1.5 of the BCA;
- (5) That the entertainment authorised capacity shall be calculated in accordance with the requirements of Parts D & H of the BCA;
- (6) That the fabric used in any part of the place of public entertainment shall comply with the requirements of specification C1.10 of the BCA;
- (7) That sanitary facilities shall be provided in accordance with the requirements of Part F2 of the BCA;
- (8) That all storage material shall be removed from the existing disabled toilet and this toilet shall be made accessible at all times;

and the following adopted standard conditions:

- (9) Construction Hours⁹¹⁵¹
- (10) Construction Certificate Required⁹¹⁵⁵
- (11) Display of Approval⁹⁷⁰¹
- (12) Occupant Capacities⁹⁷⁰³
- (13) Maintenance of Premises⁹⁷⁰⁴
- (14) Construction Certificate Required⁹⁷⁰⁶
- (15) Construction of Switchboard (non-combustible)⁹⁸⁰⁷
- (16) Exit Doors Installed in a Path of Travel to an Exit⁹⁴²¹
- (17) Access to Exits⁹⁷¹³
- (18) Certification of Emergency Lighting System⁹⁸¹⁵

- (19) Certification of Exit Signs⁹⁸¹⁶
- (20) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (21) Certification of Sprinkler System⁹⁸⁷⁰
- (22) Fire Blanket be Installed⁹⁵⁰³

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

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

- (B) That the applicant be advised that Condition (2) of the consent has been imposed for reasons of inconsistency with the objectives of the Residential 2(b) zone, and that it represents an intensification of use which has the potential to have an adverse impact on the amenity of surrounding residential properties.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (D) That upon receipt of the Acoustic Report submitted by the applicant the objectors be notified of the report and that the matter come back to Council.
- (E) That a Management Plan be requested regarding the licensing of the Hotel.

Carried.

14.

STREETS - BOTANY LANE, ALEXANDRIA - PROPOSED CLOSURE AND SALE OF PART (201753)

(Also listed as Item No. 10 Finance Committee)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Fowler:-

That the matter be deferred for a further report by the Director of Planning and Building.

Carried.

15.

OXFORD STREET, NOS. 34-36, DARLINGHURST - MODIFY APPROVED TRADING HOURS OF Q BAR TO 24 HOURS, 7 DAYS - SECTION 96 MODIFICATION APPLICATION (U93-00117)

This matter was submitted to Council without recommendation.

Moved by Councillor Fowler, seconded by Councillor Lay:-

- (A) That Council as the relevant authority approves the application submitted by Ian Robertson, with authority of Riltang Pty Ltd (Owner) to modify the consent of 8 June 1993, U93-01117, only in so far as it relates to the following:
- (1) Amend the description of the approved development to "licensed bar and games room with dancing to recorded music played by a disc jockey, in conjunction with the Exchange Hotel."
 - (2) The deletion of condition (2) of the consent.
 - (3) That the 24 hour trading be approved and shall be commenced within six months of the date of this consent and shall cease after a period of 12 months from the date of commencement. 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 use (it should be noted that the trial period and the consent may be deemed not have commenced unless the full range of hours approved has continually occurred during the trial period).
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

16.

REGENT STREET, NO. 50, PADDINGTON - ALTERATIONS AND ADDITIONS TO AN EXISTING TERRACE - DEVELOPMENT APPLICATION (U99-00775)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants consent to the application submitted by Mr. J. Bray and Mr. W. Sherson, for permission to infill part of the rear first floor verandah to form an ensuite bathroom and cover the existing car space in the rear yard with a pergola, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with the plan numbered 980025 BA01 dated 20/11/98 and stamped "approved", except as amended by condition;
- (2) That the proposed rooftop deck space shall be deleted;
- (3) That the extension of the rear first floor balcony beyond the outer face of the ensuite shall be deleted;
- (4) That the deck at the existing loft level shall be provided with a balustrade 1250mm high set in a minimum of 900mm from the southern boundary and at its eastern extremity shall be returned to align with the existing roof glazing, (thereby permitting a deck of approximately 1.4m x 4m). The balustrade shall also be returned along the northern side of the deck to provide adequate safety. No access shall be permitted to the remainder of the flat roof. Details comply with this condition shall be submitted and approved with the application for a construction certificate;
- (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;
- (7) That the requirements of the Work Cover Authority shall be complied with;
- (8) 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;
- (9) That all proposed work shall be wholly within the boundaries of the site;
- (10) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (11) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (12) 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;

- (13) 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;
- (14) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (15) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (16) 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;
- (17) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (18) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (19) 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;
- (20) 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;
- (21) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (22) 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;
- (23) 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;

- (24) 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);
- (25) That all proposed work shall be wholly within the boundaries of the site.

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

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood 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.

17.

AMY STREET, NO. 38, ERSKINEVILLE - DEMOLISH COTTAGE AND ERECT TWO TERRACES AND SUBDIVIDE INTO 2 LOTS - DEVELOPMENT APPLICATION (U99-00710)

- (A) That pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979, the application be approved subject to the following conditions of consent:
 - (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$3,900 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided

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

- (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$520 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	\$ 579	2E97003.BGY0
Open Space: New Parks	\$2,446	2E97009.BGY0
Accessibility And		
Transport	\$ 465	2E97006.BGY0
Management	\$ 17	2E97007.BGY0
Total	\$3,555	

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

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

where:

C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 1998/99.

The above amount must be paid to the Council in cash or by unendorsed bank cheque.

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

Note: No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. Endorsed DA and construction plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

Part B

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

To support the case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards.

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

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

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

Note: Works carried out without written approval by Council, in the form of a letter referring to detailed specifications and costs,

will not be off-set against Section 94 Contributions and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement.

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

Contribution Category Account	Amount
Multi-Function Administration Centre	\$866 2E97008.BGY0

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

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

where:

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

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made (before the release of the construction permit / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

- (5) That the development shall be generally in accordance with plans numbered DA1 to DA2, dated 19 May, 1999;
- (6) That the large tree located in the centre of the rear yard is to be retained;
- (7) That the windows in the proposed lightwell are to have obscure glazing;
- (8) 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;

- (9) That the front dormer windows are to be vertically proportioned at a ratio of 1.5:1 measured from head to ceiling of window frame;
- (10) That the ground floor facade of each dwelling is to have a single vertically proportioned window similar in design and shape to the windows on the adjoining properties;
- (11) That the applicant shall apply to the Director of Public Works and Services for the allocation of a street number (involves a fee);
- (12) That the developer/owner shall accept responsibility for all costs associated with the design and construction of any works on the public way (including kerb, gutter, pavement, footpath paving, landscaping, drainage and alteration of public utility services), with such works to be carried out by Council's workforce (unless otherwise agreed in writing by the Director of Public Works and Services);
- (13) That the applicant/owner shall fully meet the cost of any alteration or adjustment to existing public services affected by the proposed work, including the relocation of electric light poles or other services and the cost of Council's subsequent restoration of the pavement (unless other arrangements are made with the Director of Public Works and Services);
- (14) That the developer shall make an application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works, prior to work commencing (Warning – To ensure that future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (15) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (16) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;

- (17) That 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;
- (18) 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);
- (19) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00 a m and 5.00 p m on Mondays to Fridays, and 7.00 a m and 3.00 p m on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor 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);
- (20) That all proposed work shall be wholly within the boundaries of the site;
- (21) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (22) That a detailed landscape plan and specification for the site, prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services prior to or with the application for a construction certificate. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height -minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include construction details. The plans shall be approved by the Director of Public Works and Services prior to the approval of the construction certificate;
- (23) 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;

- (24) That the landscaping works shall be to the satisfaction of the Parks Development Branch (ring to arrange a final inspection), prior to issuing an occupation certificate;
- (25) That all existing trees on the site shall be protected from construction activities by the erection of a safety fence or barricade around the drip line (canopy edge) around each tree. No materials or equipment shall be stored or placed within the fenced area;
- (26) 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);

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

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

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

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

- (28) 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;
- (29) 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;
- (30) 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;
- (31) 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 plans;
- (32) 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";
- (33) 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;
- (34) 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;

- (35) 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;
- (36) That any sarking-type material used in the roof of the Class 1 building shall have a flammability index of not more than 5, in accordance with Part 3.7.1.9 of the BCA;
- (37) 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;
- (38) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (39) 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;
- (40) 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;
- (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 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;
- (43) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (44) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (45) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (46) 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;

- (47) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
- (48) 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;
- (49) That prior to the release of the Construction Certificate (and any excavation or building work on the public way), a Road Opening Permit shall be obtained from Council's One Stop Shop (required for approval under the Roads Act 1993);
- (50) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (51) That the developer shall satisfy the requirements of the Director of Public Works and Services in respect of the use of stormwater pipeline and/or stormwater channel easements;
- (52) 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;
- (53) 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;
- (54) 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;
- (55) 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;
- (56) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;

NOTE: That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if sediment, including soil, excavated

material, building materials or other materials to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur. The applicant shall ensure that its employees, agents, or sub-contractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

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

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

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

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

That the matter be deferred to the next Planning and Development Committee to be held on 13 September 1999, to allow for a Visit of Inspection to be carried out.

Motion, as amended by consent, carried.

18.

MACLEAY STREET, UNIT 23, NOS. 40A-42, POTTS POINT - ALTERATIONS AND ADDITIONS TO ONE UNIT OF A RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION (U99-00799)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Mr Robin Hyett, owner, for permission to reinstate the former balcony, create ensuite bathroom, and other internal alterations, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with Council's approved plans except as amended by conditions below;

- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That the sill height of the existing window shall not be lowered as part of the balcony construction;
- (4) That the proposed sewer pipe to the exterior of the building shall be colour matched to the building and shall be located so as not to obstruct the outlook of any of the building's east-facing windows;
- (5) That any plumbing works that involve common property shall only be undertaken with the permission of the Body Corporate (Owner's Corporation);

and the following adopted standard conditions:

- (6) Ventilation⁷⁰²³
- (7) Soil and Sediment Prosecution Note⁷⁰⁶⁹
- (8) Obstruction of Public Way³⁰²⁹
- (9) Delivery of Construction Materials³⁰³²
- (10) Refuse Skips⁶⁰⁰²
- (11) Construction Hours⁹¹⁵¹
- (12) Works Within Boundary⁹¹⁵²
- (13) Compliance with Building Code of Australia⁸⁵⁰¹
- (14) Residential Building Work⁸⁵⁰³
- (15) Structural Design Certificate⁹⁰⁰⁶
- (16) Building/Demolition Noise Control⁹¹⁵⁶
- (17) Demolition to Comply With Aust Standard⁹¹⁶³
- (18) Drainage Details with Construction Certificate⁹⁰¹³
- (19) Stormwater Design Certificate⁹⁰¹⁵

- (20) Stormwater Certificate at Completion⁹⁰¹⁷
- (21) Commencement of Structural Works⁹²⁰²
- (22) Glazing Provisions⁹³³⁰
- (23) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (24) Fire detection and alarm system⁹⁵²²
- (25) Hose Reels be Installed⁹⁵⁰⁶
- (26) Emergency lighting⁹⁵¹⁸
- (27) Hydrants be Installed⁹⁵⁰⁷
- (28) Exit signs⁹⁵¹⁹
- (29) Protection of walls and floors in wet areas⁹⁶⁰¹
- (30) Clothes washing and drying facilities⁹⁶⁰³
- (31) Damp and weather proofing⁹⁶⁰⁶
- (32) Natural light and ventilation⁹⁶¹³
- (33) 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.

19.

**BELMONT STREET, NOS. 117-133, ALEXANDRIA - SECTION 96,
APPLICATION TO AMEND EXISTING APPROVAL - DEVELOPMENT
APPLICATION (U97-00782)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Waters:-

- (A) That the Council as the responsible authority approve the Section 96 Application and amend condition (1) of the consent dated 10 December 1997 to read as follows:-
- (1) That the development shall be generally in accordance with plans No. 1033/1A to 1033/4A date stamped 13 October 1997 except that the southwest elevation shall be in accordance with the amended plan dated 22 July 1999 and the north east elevation shall provide a double brick boundary wall to a height that aligns with the eaves height of the two buildings.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

20.

DARLINGHURST ROAD, NOS. 75-81, POTTS POINT - REGULARISE USE AS A BROTHEL - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U98-00437)

- (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 World Wide Collection Agency Pty Ltd for permission to use the second floor of premises Nos. 75-81 Darlinghurst Road, Potts Point, as a brothel trading 24 hours a day, 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;
- (2) That 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.

- (3) That 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;
- (4) 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 Management	\$ 10	2E97006.BGY0
	\$ 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;

- (5) That an application for a Construction Certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (6) 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);
- (7) 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;
- (8) 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";
- (9) That clean linen and towels shall be provided for the use of each client;
- (10) That adequate receptacles with close fitting lids shall be provided for the separate storage of used and clean linen;
- (11) 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;
- (12) 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);
- (13) 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;
- (14) 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;

- (15) 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.;
- (16) That no people (commonly known as “spruikers”) shall be on the property or the public way, publicising the use of the premises;
- (17) 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;
- (18) 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;
- (19) 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;
- (20) That all required mechanical ventilation systems be operating at all times when the premises are occupied;
- (21) That a smoke hazard management system be installed in accordance with the Building Code of Australia;
- (22) 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;
- (23) 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;
- (24) 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;

- (25) 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;
- (26) 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;
- (27) 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;
- (28) That the premises shall be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times;
- (29) 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;
- (30) 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;

Note: 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.

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 matter be referred to the Director of Planning and Building to ensure cessation of the use pending implementation of this consent and to monitor building works.

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

Carried.

21.

DARLINGHURST ROAD, NOS. 44-44B, POTTS POINT - REGULARISE USE AS BROTHEL - DEVELOPMENT APPLICATION (U98-00455)

- (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 Forte Senes Hotels Pty Ltd, for permission to use the second floor of the premises at Nos. 44-44b 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;
- (2) That 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.

- (3) That 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.

- (4) 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 Management	\$ 10	2E97006.BGY0
	\$ 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.

- (5) That an application for a Construction Certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (6) That 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);

- (7) 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;
- (8) 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";
- (9) That clean linen and towels shall be provided for the use of each client;
- (10) That adequate receptacles with close fitting lids shall be provided for the separate storage of used and clean linen;
- (11) 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;
- (12) 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);
- (13) That 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;
- (14) 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;
- (15) 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;
- (16) That no people (commonly known as "spruikers") shall be on the property or the public way, publicising the use of the premises;
- (17) 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;
- (18) 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;

- (19) 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;
- (20) That all required mechanical ventilation systems be operating at all times when the premises are occupied;
- (21) That a smoke hazard management system be installed in accordance with the Building Code of Australia;
- (22) 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;
- (23) 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;
- (24) 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;
- (25) 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;
- (26) 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;
- (27) 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;
- (28) That the premises shall be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times;
- (29) 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;
- (30) 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.

Note: 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.

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 matter be referred to the Director of Planning and Building to ensure cessation of the use pending implementation of this approval and to monitor building works.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

22.

CLEVELAND STREET, NO. 187, REDFERN - ADDITION OF FOUR BEDSITTER UNITS TO EXISTING 15 UNIT RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION (U99-00696)

This matter was submitted to Council without recommendation.

Moved by Councillor Fowler, seconded by Councillor Lay:-

That the application submitted by Leduav Pty Limited (owner) for permission to erect 4 bedsitter units at the abovementioned premises, be deferred to the next Planning and Development Committee to be held on 13 September 1999, to allow for a Visit of Inspection to be carried out.

Carried.

23.

PLANNING - SOUTH SYDNEY DEVELOPMENT CORPORATION - ALEXANDRI CANAL MASTERPLAN - CO-FUNDING PROPOSAL WITH ADJOINING COUNCILS & F.A.C. (5275171)

That Council resolve to contribute \$40,000 to the South Sydney Development Corporation for the purpose of the preparation of the Alexandra Canal Masterplan, comprising \$20,000 from the 1993 Section 94 Contribution Plan and \$20,000 from the Planning and Building Department Account Code GW977007.

(DPB Report 27.8.99)

Carried.

24.

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

- (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 use the premises for public entertainment, subject to the following conditions, namely:-
- (1) That the hours of operation of the public entertainment premises shall be restricted to between 8.00 am to 11.30 pm, Monday to Friday, 8.00 am to 12.30 am, Saturday and 8.00 am to 9.30 pm, Sunday;
 - (2) 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 SCEGGS to control noise and ensure that surrounding residential amenity is not reduced or impacted, therefore 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) Ensure that all patrons access or egress the premises quietly;
 - (3) That the L_{A10} noise level emitted from the premises 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 premises;
 - (4) That the L_{A10} noise level emitted from the 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 9.00pm and 12.30am, when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the premises;
 - (5) That notwithstanding compliance with the above clauses, the noise from the premises shall not be audible within any habitable room in any residential premises;
 - (6) That the use of the premises shall not give rise to transmission of vibration to any place of different occupancy;

- (7) That the entertainment use shall be confined to entertainment that is ordinarily incidental to the education activities of SCEGGS;
- (8) That notwithstanding the above, SCEGGS Darlinghurst may rent the Playhouse out to the public for entertainment purposes up to 25 days per year, the school shall keep a register of the days upon which non-school use occurs and this shall be made available on request;
- (9) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Council's Ventilation Code;
- (10) That 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;
- (11) That all air handling, evaporative cooling, hotwater, humidifying, warm water and water cooling systems installed on the premises shall comply with the Public Health Act 1991 and Public Health Regulations 1991;
- (12) 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;
- (13) That smoke hazard management shall comply fully with the requirements of Part E2.2 of the BCA;
- (14) That sanitary facilities shall be provided in accordance with Part F of the BCA;
- (15) That plans and specifications demonstrating compliance with the nominated standards and requirements for the abovementioned aspects of the development shall be submitted to Council or a certifying authority for approval prior to issue of a Construction certificate or Occupation certificate;
- (16) That the premises shall not be used for public entertainment until the Construction certificate has been approved;

-and the following adopted standard conditions:

- (17) Construction Hours⁹¹⁵¹
- (18) Works Within Boundary⁹¹⁵²
- (19) Display of Approval⁹⁷⁰¹

- (20) Promoter's Responsibility re Provision of Fire Safety Officers⁹⁷⁰⁷
- (21) Exit Doors Installed in a Path of Travel to an Exit⁹⁴²¹
- (22) Smoke control⁹⁵¹²
- (23) Separation of Dressing Rooms⁹⁷²⁷
- (24) Separation of Storerooms⁹⁷²⁹
- (25) Curtains or Blinds⁹⁷²²
- (26) Fabric Used for Chairs⁹⁷²³
- (27) Separation of Entertainment Area⁹⁷²⁶
- (28) Electric Mains Installation⁹⁷³⁴
- (29) Lighting⁹⁷³⁵
- (30) Exits from the Stage⁹⁷³⁶
- (31) Stages⁹⁷³⁹
- (32) Seating Arranged in Rows⁹⁷⁴⁷
- (33) Chairs Used for Seating⁹⁷⁴⁸
- (34) Aisle and Cross-Over Requirements⁹⁷⁵⁰
- (35) Depth and Clearance of a Row⁹⁷⁵⁴
- (36) Chairs Used for Seating⁹⁷⁵⁵
- (37) Smoke control⁹⁵¹²
- (38) Certification of Emergency Lighting System⁹⁸¹⁵
- (39) Certification of Exit Signs⁹⁸¹⁶
- (40) Certification of Existing Portable Fire Extinguishers⁹⁹⁰⁸
- (41) Ventilation⁷⁰²³
- (42) Noise⁷⁰²⁸
- (43) Smoke control⁹⁵¹²
- (44) Construction Certificate Required⁹¹⁵⁵

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.

25.

FORBES STREET, NOS. 159-215, DARLINGHURST - MASTERPLAN FOR THE SCEGGS SITE (2020514)

- (A) That Council endorses the Masterplan for the SCEGGS site, submitted by SCEGGS Darlinghurst Ltd, subject to the insertion of the following provisions, objectives and performance criteria. The provisions, performance criteria and objectives shall be used in conjunction with Council's Plans and Policies when considering, assessing and determining any future Development Application for the site:-
- (1) That the applicant is advised that preliminary assessment of Option P1 for the proposed primary school building and its location is unlikely to be supported by Council if submitted as a Development application and that P2 is the preferred option, subject to Council's codes and policies in force at the time of lodgement and the criteria set out below;
 - (2) That any development of a primary school building on the site shall ensure the following:
 - (a) Development shall not exceed the height of the adjacent terraces at Bourke Street between the school and Liverpool Street; and
 - (b) Development shall not be above the cliff wall; and
 - (c) Low planting and balustrades will not extend above the sightlines available from Thomson Street terraces; and
 - (d) City skyline views from Thomson Street residences will not be compromised; and
 - (e) That the proposal shall not obstruct or encroach on significant view corridors, namely those views available from terraces to the east of the site;

- (f) That the Primary School Building shall achieve distinctive building design that terminates vistas and creates picturesque streetscapes;
- (g) Maintain vistas along streets to buildings and places of heritage, architectural or landscape significance;
- (h) Enhance the city skyline (where possible and appropriate);
- (i) Incorporate `fine grain' textures that enhance the historic character;
- (j) Provide a sense of cohesion and continuity to the streetscape;
- (k) Address and define streets and public spaces;
- (l) Maintain the street alignment with minor variation in setback;
- (m) Reinforce the predominant scale of the streetscape;
- (n) Enhance the city's urban and natural corridor systems by the use of appropriate landscape treatment such as verges and tree planting to reinforce the precinct edges and the street hierarchy of the city;
- (o) That buildings shall address and provide natural surveillance to Bourke Street through orientation and window openings;
- (p) That landscaping shall be used to ensure that the edges of the site are enhanced and bulk and scale of any building is appropriately offset by landscape features;
- (q) That the proposal will be designed so that a `walled effect' does not occur at Bourke Street or Thomson Street;
- (r) That the development shall address changes to Bourke Street, arising from the development of the Eastern Distributor: being more pedestrianised and localised-articulation, modulation and landscaping of any buildings facing Bourke Street is necessary. Walls at Bourke Street are discouraged;
- (s) That street tree planting, at the developers expense, at Bourke Street may also be appropriate;

- (t) That development shall not adversely impact on the heritage significance of the St Peters Church site and shall not detract from the setting of the adjacent buildings to the north and shall not adversely impact on views to significance heritage buildings and structures;
- (u) That all development shall comply with the objectives, performance criteria and provisions contained in Local Environmental Plan 1998, Development Control Plan 1997, and Draft Local Environmental Plan 1996 (Heritage and conservation);
- (v) That any development on the site shall comply with the overshadowing performance criteria and objectives contained in Development Control Plan 1997. Solar access to the private open space and principal living area windows of adjacent residential properties shall be maintained for a period of 2 hours, between 9.00am and 3.00pm at the winter solstice (21 June);
- (w) That any proposed increase in parking on the site shall not exceed the maximum provisions of Development Control Plan No. 11 - Transport guidelines for Development. Attempts shall be made to minimise parking needs on the site, and encourage public transport patronage and walking;
- (x) That any development in vicinity of or at the St Peters Car Park shall ensure enhancement of the St Peters Street frontage, possible works include increased landscaping, paving, resurfacing of the car park and lighting;
- (y) That any development on the site shall not reduce solar access to the private open space and principal living area windows of adjacent residential properties to less than 2 hours, between 9.00 a.m. and 3.00 p.m. at the winter solstice (21 June);
- (z) That any proposed increase in parking on the site shall not exceed the maximum provisions of Development Control Plan No. 11 - Transport Guidelines for Development. Attempts shall be made to minimise the level of parking provision on the site, and encourage public transport patronage and walking;
- (3) That any development of a Science and Technology Building on the site shall ensure:

- (a) Overshadowing on the site, on the public domain and on adjoining properties shall be minimised;
- (b) Development shall be appropriately setback from neighbouring properties;
- (c) not obstruct or encroach on significant view corridors, namely those views available from terraces to the west of the site;
- (d) Achieve distinctive building design that terminates vistas and creates picturesque streetscapes, including St Peters Street;
- (e) Maintain vistas along streets to buildings and places of heritage, architectural or landscape significance;
- (f) Enhance the city skyline (where possible and appropriate);
- (g) Incorporate `fine grain' textures that enhance the historic character;
- (h) Provide a sense of cohesion and continuity to the streetscape;
- (i) Address and define streets and public spaces;
- (j) Maintain the street alignment with minor variation in setback;
- (k) Reinforce the predominant scale of the streetscape;
- (l) Enhance the city's urban and natural corridor systems by the use of appropriate landscape treatment such as verges and tree planting to reinforce the precinct edges and the street hierarchy of the city;
- (m) Buildings shall address and provide natural surveillance to St Peters Street through orientation and window openings;
- (n) That a landscape plan shall be submitted with the Development Application to ensure that the edges of the site are enhanced and so that the bulk and scale of any building is appropriately offset by landscape features;
- (o) That the proposal be designed so that a `walled effect' does not occur at St Peters Street;

- (p) Street tree planting, at the developers expense, at St Peters Street and Forbes Street may also be appropriate;
 - (q) Public domain works to St Peters Street should also be considered so that the school contributes more to the precinct;
 - (r) That visual and acoustic privacy impacts on adjoining properties are appropriately minimised;
 - (s) That heritage impacts of any new development are appropriately mitigated, any proposal shall not adversely impact on the heritage significance of the surrounding heritage conservation area;
 - (t) Development shall not adversely impact on the heritage significance of the St Peters Church site and shall not detract from the setting of the adjacent buildings to the north and shall not adversely impact on views to significant heritage buildings and structures;
 - (u) That all development shall comply with the objectives, performance criteria and provisions contained in Local Environmental Plan 1998, Development Control Plan 1997, and draft Local Environmental Plan 1996 (Heritage and conservation);
 - (v) That any development on the site shall comply with the overshadowing performance criteria and objectives contained in Development Control Plan 1997. Solar access to the private open space and principal living area windows of adjacent residential properties shall be maintained for a period of 2 hours, between 9.00 a.m. and 3.00 p.m. at the winter solstice (21 June);
 - (w) That any proposed increase in parking on the site shall not exceed the maximum provisions of Development Control Plan No. 11- Transport Guidelines for Development. Attempts shall be made to minimise parking needs on the site, and encourage public transport patronage and walking;
 - (x) Any development in vicinity of or at the St Peters Car Park shall ensure enhancement of the St Peters Street frontage, possible works include increased landscaping, paving, resurfacing of the car park and lighting;
- (4) That any development of a building on the St Peters Church site shall ensure:

- (a) That the St Peter's Church building and St Peters shall and store be retained as a group of high significance and following removal of non significant alterations and additions, there should be minimal intervention in the fabric of these buildings;
 - (b) That future structures shall be designed and sited in a way that will not detract from the heritage significance of the buildings;
 - (c) That the Store should be retained in its present form with only remedial works to maintain the brick and stonework and restore the leaded windows. No new openings are allowed;
 - (d) That any new development should respect the scale of development already on the site and should not overwhelm it in terms of bulk and massing;
 - (e) That any infill development should carefully relate to, though not necessarily match, the existing development in terms of proportions, scale, roof pitches, materials;
 - (f) That the boundary of the infill should relate to the curtilage of the Church and the Hall... The amount of space between the Church and any infill development is critical in maintaining the sense of space around the Church and the vistas to the church, in particular the one from the south east. The spacing should also maintain the streetscape to St Peters Street;
 - (g) That any development of the site should be consistent with the other objectives and performance criteria for development contained in the 1993 Conservation Plan;
 - (h) That any development proposal shall be consistent with Council's Built Heritage provisions, performance criteria and objectives contained in Council's Plans and Policies;
 - (i) That insensitive alterations and structures shall be removed from the site;
 - (j) That significant trees on the site are protected.
- (5) With regard to Traffic and Noise Management in relation to the site:
- (a) That appropriate traffic and pedestrian management measures be undertaken in conjunction with the school's

ongoing development;

- (b) That vehicular setdown areas be established on the site so as to minimise impacts on the public domain;
 - (c) That ongoing liaison and consultation with Council's Department of Public Works and Services and the Roads and Traffic Authority be undertaken and a Traffic Management and Pedestrian Plan for the site be developed; and shall be submitted with any Development Application which proposes a new building on the site;
 - (d) That any proposed increase in parking on the site shall not exceed the maximum provisions of Development Control Plan No. 11- Transport Guidelines for development. Attempts shall be made to minimise parking needs on the site, and encourage public transport patronage, cycling and walking;
 - (e) That a detailed Noise Management Plan, dealing with acoustic privacy impacts of the school on surrounding properties shall be prepared. The aim of the plan shall be to minimise acoustic impacts on surrounding properties, and shall be developed with the assistance of an acoustic engineer.
- (6) With regard to Landscaping and Public Domain:
- (a) Landscaping shall be used to improve the aspect of the St Peters Street elevation, adjacent to the car park, and the Bourke Street elevation, adjacent to the existing Primary School;
 - (b) Public domain works at Forbes Street, St Peters Street and Bourke Street, which contribute to the surrounding community, shall be developed in consultation with Council's Public Works and Services Department;
 - (c) That an application shall be submitted and approved by Council's Tree Preservation Officer prior to the removal of any tree covered by a tree Preservation Order;
 - (d) That a comprehensive Landscape Plan for the site be developed and shall be submitted to Council;
- (7) With regard to student numbers on the site:
- (a) The ratio of the site area to the pupils at the school shall not be below 15.2 square metres;

- (b) That the desired maximum student population shall not be achieved until all school facilities are brought into line with DPWS and DSE guidelines for classroom and facility size as applicable to SCEGGS curriculum and teaching methods;
 - (c) 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;
 - (d) That the temporary classrooms shall be removed within one month after the completion of the refurbishment and extension of the "Yellow Building" unless a Development Application has been lodged proposing the following:
 - New Primary School Facilities;
 - New Performing Arts Building;
 - New Science and Technology Building;
 - (e) Refurbishment of Extension of the "Old Gym", Science and Library Buildings, "Barham" and the "Chapel" building;
 - (f) Notwithstanding the above, the temporary facilities shall be removed within 5 years;
 - (g) That the average number of students per class shall be 25;
 - (h) That prior to any increase in student numbers, all facilities and essential services must comply with Council's health requirements and the Building Code of Australia.
- (B) That the persons who made representation with respect to the proposal be advised by Council's decision.
- (B) That the persons who made representation with respect to the proposal be advised by Council's decision.

Carried.

26.

RESERVOIR STREET, NOS. 57-59, SURRY HILLS - REGULARISE USE OF EXISTING BROTHEL - DEVELOPMENT APPLICATION (U98-01284)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Archivision Pty Ltd, with the authority of Mr W & Mrs S Hawke & Mr W Bailey, for permission to regularise the use of the premises for the purpose of a brothel, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered A6 120a dated 30 December 1998;
 - (2) That the Plan of Management submitted on 31 March 1998 shall be fully complied with at all times, and all strategies included therein, to the satisfaction of Council, Surry Hills Police, and the Sex Workers Outreach Program (SWOP);
 - (3) 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;
 - (4) That the hours of use of the premises shall be restricted to between 12.00 noon and 2.00 a.m. daily;
 - (5) That a maximum of four sex workers and two support staff shall work on the premises at any one time;
 - (6) That the street numbers of the premises shall be clearly displayed;
 - (7) That no flashing, moving or intermittent lighting, visible from the public way shall be installed on the premises;
 - (8) That no signs shall be erected on the premises;
 - (9) That all clients shall wait within the premises at all times;
 - (10) That the use of the rear deck shall be restricted to use by employees only and shall not be used after 10.00 p.m. daily;
 - (11) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
 - (a) all proposed mechanical ventilation systems;
 - (b) the garbage room;

- (c) the recycling storage area;
- (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;

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

- (12) That all trade waste shall be stored or contained in such a manner so as to cause no nuisance;
- (13) That doorways to all bedrooms shall be protected by self closing solid core doors not less than 35mm thick;
- (14) That a suitable smoke/fire alarm system shall be installed throughout the premises;
- (15) That any doorways separating the retail area from the residential portion shall be protected by a self closing solid core door not less than 35mm thick;

and the following adopted standard conditions:

- (16) Garbage on Public Way⁶⁰⁰¹
- (17) Ventilation⁷⁰²³
- (18) Sex Industry⁷⁰⁴³
- (19) Sex Industry⁷⁰⁴⁴
- (20) Sex Industry⁷⁰⁴⁵
- (21) Sex Industry⁷⁰⁴⁶
- (22) Sex Industry⁷⁰⁴⁷
- (23) Sex Industry⁷⁰⁴⁸
- (24) Sex Industry⁷⁰⁴⁹
- (25) Sex Industry⁷⁰⁵¹
- (26) Sex Industry⁷⁰⁵²
- (27) Sex Industry⁷⁰⁵³
- (28) Sex Industry⁷⁰⁵⁴

- (29) Sex Industry⁷⁰⁵⁵
- (30) Sex Industry⁷⁰⁵⁶
- (31) Sex Industry⁷⁰⁵⁷
- (32) Contaminated Waste⁶⁰¹²
- (33) Sewer Discharge⁸⁰⁰⁴
- (34) Commercial Garbage Contract⁶⁰⁰³
- (35) Storage/Garbage⁶⁰⁰⁹
- (36) Garbage Room⁶⁰¹¹
- (37) Noise⁷⁰²⁸
- (38) Comply With BCA⁹¹⁰⁴
- (39) Construction Certificate Required⁹¹⁵⁵
- (40) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (41) Emergency lighting⁹⁵¹⁸
- (42) Exit signs⁹⁵¹⁹
- (43) Construction of Switchboard (non-combustible)⁹⁸⁰⁷
- (44) Egress Paths to be Kept Clear⁹⁸⁵²
- (45) Certification of Electrical Installation⁹⁸⁵³
- (46) Lining of Floors⁹⁸⁶³
- (47) Residential Sprinkler System⁹⁸⁷¹
- (48) Comply With BCA⁹¹⁰⁴
- (49) Construction Certificate Required⁹¹⁵⁵
- (50) Portable Fire Extinguishers be Installed⁹⁵⁰¹
- (51) Exit Doors Installed in a Path of Travel to an Exit⁹⁴²¹
- (52) Fire detection and alarm system⁹⁵²²

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

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

- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council take appropriate action with respect to the unauthorised operation of a brothel at No.62 Mary Street, Surry Hills.

Carried.

27.

STREETS - ARNOLD PLACE, DARLINGHURST - PROPOSED CLOSURE AND SALE OF PART (20215210)

(Also listed as Item No. 15 Finance Committee)

That approval be given for advertising and action to be taken for the proposed closure and sale of part of Arnold Place Darlinghurst as shown stippled on Plan No. S6-280/247 in accordance with the revised policy for the proposed closure and sale or lease of laneways and sale of vacant Council owned land as adopted by Council on 12 June 1996 and that a further report be submitted to Council after this process is completed.

(DPWS Report dated 27 August 1999)

Carried.

The Planning and Development Committee Meeting terminated at 8.10 p.m.

**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE
(CONFIDENTIAL MATTER)**

WEDNESDAY, 1 SEPTEMBER 1999 AT 8.11 PM

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

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

Item 1 - Legal Matter

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

That the Report of the Planning and Development Committee (Confidential Matter) of its meeting of 1 September 1999, be received and the recommendation set out below for Item 1, be adopted.

Carried.

The Committee **recommended** the following:-

1.

**WILLIAM STREET, REDFERN, BETWEEN JAMES AND STIRLING
STREETS - REPORT ON THE MECHANISM FOR IMPLEMENTING THE
ROAD WIDENING (2006735)**

That Council resolve to:-

- (a) seek legal advice as to the ability of Council to enforce the consent condition (under DA297/95 for a completed residential flat building at 32 William Street, Redfern) requiring the dedication of land without cost to Council, along William Street (comprising the road reservation formerly applying under the City of Sydney Planning Scheme Ordinance);
- (b) seek professional advice from a suitably experienced valuer concerning the potential land value and compensation payable upon acquisition of No. 10 and No. 32 William Street, Redfern should Council pursue the acquisition of 3.11m along William Street.

- (c) Consider a subsequent report from the Director of Public Works and Services following the receipt of advice required under Parts a & b of this resolution.

(DPB & DPWS Joint Report 18.8.99)

Carried.

The Planning and Development Committee (Confidential Matter) Meeting terminated at 8.12 p.m.

The Council Meeting terminated at 8.18 p.m.

Confirmed at a meeting of South Sydney City Council
held on1999

CHAIRPERSON

GENERAL MANAGER