

237TH Meeting

Erskineville Town Hall
Erskineville
89880

Thursday, 16 September 1999

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.38 pm on Thursday, 16 September 1999.

PRESENT

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

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

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Confirmation of Minutes

Moved by Councillor Lay, seconded by Councillor Macken:-

That the minutes of the Ordinary Meeting of Council of 8 September 1999, be taken as read and confirmed.

At this stage the Mayor indicated that a Rescission Motion signed by Councillors Bush, Deftereos, Fenton and Fowler had been lodged in respect of Item No. 1 Finance (Confidential Matter) as set out hereunder:-

Streets - Street Furniture - Contract with J C Decaux Australia - Amendment of Commencement Date

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

At this stage and at 6.39 p.m., it was moved by Councillor Fowler, seconded by Councillor Bush:-

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, Fenton, Fowler, Harcourt, Lay, Macken, and Waters.

At 6.51 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:

Streets - Street Furniture - Contract with J C Decaux Australia - Amendment of Commencement Date

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 and Fowler requested that their names be recorded as being opposed to the foregoing motion.

Confirmation of Minutes

Moved by Councillor Lay, seconded by Councillor Macken:-

That the minutes of the Ordinary Meeting of Council of 8 September 1999, were then confirmed.

Apology

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

Moved by Councillor Bush, seconded by Councillor Fowler:-

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

Carried.

At this stage it was moved by Councillor Lay, seconded by Councillor Harcourt, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, voting the amount of \$3,500 to support the Walk to Work Project on 1 October 1999 which Council has already approved of for employees.

Carried.

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

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

CELEBRATIONS - WALK TO WORK - 1 OCTOBER 1999 (2018797)

That Council vote \$3,500 to support the Walk to Work Project, which Council has already approved for employees on 11 August 1999.

Carried.

Letters of Condolence

At this stage the Mayor informed the Council of the recent deaths of Mr Matthew Tebbutt, brother of Carmel Tebbutt, Member of Parliament and Mr Sid Fennell, a well known resident of Alexandria.

It was moved by the Mayor, seconded by Councillor Lay, that letters under the signature of the Mayor expressing the condolences of Council be forwarded to the relatives of the deceased.

Carried.

MINUTE BY THE GENERAL MANAGER

16 September 1999

GENERAL MANAGER - ANNUAL LEAVE ARRANGEMENTS (2004907)

As agreed I propose to take annual leave from 20 September to 18 October 1999, inclusive.

During such absence it is recommended that:-

- (1) the Director Organisational Development, Mr Peter Chaffe, act as General Manager;
- (2) delegations to the General Manager, as detailed in the Manual of Standard Procedure, be delegated to Mr Chaffe from 20 September to 18 October, 1999.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Macken:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

16 September 1999

**FINANCE - ADDITION TO AMOUNTS OF PROPERTIES
WORKS PROGRAM - 1999/2000 BUDGET (2021301)**

Two amounts of expenditure were inadvertently omitted in the preparation of Council's 1999/2000 Budget. The first in the sum of \$90,000 is for the demolition of the Park Street Depot. This was approved by resolution of Council on 13 May, 1998, and was included in the 1998/1999 Budget, but remained unspent. Council is now in the position to accept a quotation for this service and a revote of these funds is sought.

The second amount was for \$90,000, approved by Council on 12 May, 1999, to develop a Plan of Management for Walter Reid Reserve, known as No. 255A & B Oxford Street, Paddington. \$50,000 has been approved for this work in the 1999/2000 Properties Budget (BW99101), however, the balance of \$40,000 requires revoting.

RECOMMENDATION:

That the sum of \$90,000 for the demolition of the Park Street Depot be added to the Properties Works Program and a further \$40,000 be added to Account No. BW99101 for the preparation of a Plan of Management for Walter Reid Reserve, both amounts to be drawn from Council's Property Reserve.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Macken, seconded by Councillor Lay:-

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

Carried.

QUESTIONS WITHOUT NOTICE

1.

**WELFARE - INCREASE IN HOMELESS DURING OLYMPIC PERIOD -
QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT
(W51-00065)**

Question:

At a meeting of the Surry Hills Social Justice Committee last Sunday concerns about homelessness relating to the Olympics were discussed.

Are there any contingency plans at State and Local Government level to deal with a sudden increase in homelessness around the period of the Olympics?

Answer by the Mayor:

I will ask the Acting Director of Health and Community Services to prepare a report for Council's Committee or have it dealt with under delegation.

2.

**PLANNING - SOUTH SYDNEY HERITAGE SOCIETY - PRE DEVELOPMENT
APPLICATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR
FOWLER (2017538)**

Question:

There are concerns at the notification of Development Application in the Draft Heritage Zone around Moorehead Street, Redfern? Are Pre Development Application meetings still detailed to South Sydney Heritage Society?

When is the Heritage LEP coming back to Committee?

Answer by the Mayor:

I will ask the Director of Planning and Building to have a response prepared for you in the Councillors' Information Service.

3.

**TRAFFIC - FEASIBILITY OF A TEMPORARY ROAD CLOSURE FOR THE
WESTERN ARM OF STURT STREET, DARLINGHURST - QUESTION
WITHOUT NOTICE BY COUNCILLOR FOWLER (2022186)**

Question:

Residents of Sturt Street, Darlinghurst, as at many locations near Taylor Square seek some solutions from Council, to the Traffic mayhem of revellers,

deliveries and carriers such as bollards, as in Rose Terrace. Could a report as to the feasibility of a temporary road closure for the western arm of Sturt Street from the lane way for Traffic Committee?

Answer by the Mayor:

I will ask the Director of Public Works and Services refer that matter to the Traffic Committee and a report come back to Committee.

4.

DONATIONS - YU MING TEMPLE - COUNCILLOR FOWLER - TENDER OF APOLOGY - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2021515)

Question:

Can I suggest the Mayor seek some herbal advice at the restored Yu Ming Temple on Sunday week and tender my apologies?

Answer by the Mayor:

I will certainly tender your apologies.

5.

COMMITTEES - WILLIAM STREET DESIGN - NEW BUILDING SITE ON THE WESTERN SIDE OF VICTORIA STREET, DARLINGHURST - QUESTION WITHOUT NOTICE BY COUNCILLOR FENTON (2013541)

Question:

At our briefing on Monday evening the consultants to the Department of Planning showed us a design of William Street with a new building site on the western side of Victoria Street, Darlinghurst Road, opposite the Elan.

At a community meeting on Thursday the proposal was met with great hostility.

Can the Director of Planning and Building prepare a report on the controls on the site under our LEP and DCP if the RTA continue with the proposal?

Answer by the Mayor:

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

6.

STREETS - OXFORD STREET, DARLINGHURST - NIGHT CLUBS - SECTIONING OFF AREAS OF FOOTPATH - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (S56-00261)

Question:

Can the Director of Public Works and Services investigate the practice of Oxford Street night clubs sectioning off areas of footpath so as to queue patrons waiting to enter?

Because of this use and its blocking off the public way, can he investigate the potential for formal leases of this use?

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate that matter for you and have a report prepared for the Councillors Information Service.

7.

CARILLON AVENUE, NO. 90, NEWTOWN - MEDIATION PROCESS IN REGARDS TO STUDENT DEVELOPMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (U99-00320)

Question:

I have only just had the opportunity to open this letter from Multiplex Construction in regard to student developments at Carillon Avenue. Given that the village is to be completed by the first semester of 2001, Multiplex and the University refuses to be a part of the mediation process that this Council endorsed as a part of the process in trying to make amendments to cater for community wishes.

Could the Director of Planning and Building write to both the University and Multiplex requesting they outline concrete terms why a completion time of 2001 has to supersede any design issues or community processes that would be a concern of the residents. Can the Director also include representations from the community group and their dissatisfaction at the way the process has been handled both by the University and Multiplex?

Answer by the Mayor:

The answer to the first part is that if the Director wants to waste his time writing letters that's fine. That letter is a month old. The matter is being dealt with by the Minister. Multiplex and the University decided to take the matter out of Council's control and asked the Minister to deal with it under Section 115J of the Environmental Planning and Assessment Act, which they have the right to do. Now the matter is before the Minister and we are waiting for his response.

The Minister has three options:

- (1) He can deal with it;
- (2) He can mediate on it;
- (3) He can send it to the court.

Now all we are waiting on is the Minister's decision. I don't see any sense in writing to Multiplex.

8.

**PUBLIC RELATIONS - EAST TIMOR - TREATMENT OF FOREIGN AFFAIRS
BY PRIME MINISTER - QUESTION WITHOUT NOTICE BY COUNCILLOR
BUSH (2022141)**

Question:

Can the Mayor write to the Prime Minister congratulating him on his treatment of foreign affair with regard to East Timor?

Answer by the Mayor:

No.

At this stage and at 7.05 p.m. permission was granted for Councillors Macken and Waters to leave the Council Meeting and they did not return.

REPORT OF THE FINANCE COMMITTEE

13 September 1999

PRESENT

Councillor Jill Lay (Acting Mayor/Ex Officio)

Councillor Sonia Fenton

At the commencement of business at 6.52 pm those present were:-

Councillors - Fenton and Lay

Apologies:

Apologies for non-attendance at the meeting were received from Councillors Deftereos, Macken and Waters.

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

That the Report of the Finance Committee of its meeting of 13 September 1999, be received and the recommendations set out below for Items 1 to 7, inclusive, 9 to 13, inclusive, and 15, be adopted. The recommendations set out below for Items 8, 14, 16 and 17 having been dealt with as shown immediately following such Items.

Carried.

There was no quorum present. Councillors Lay and Fenton who were present **recommended** the following:-

1.

DONATIONS - REQUEST FOR FREE USE OF PADDINGTON TOWN HALL - JEWISH COMMUNITY SERVICES - 8 DECEMBER 1999 (5249332)

That arising from consideration of a report by the Director of Corporate Services dated 2 September 1999, Council support the Jewish Community Services by foregoing \$2,850 in income. This is subject to the Jewish Community Services meeting the expenses of \$800 under the provisions of Section 356 of the Local Government Act, 1993, for free use of Paddington Town Hall on 8 December 1999, to conduct a Volunteers Acknowledgement function.

(DCS Report 2.9.99)

Carried.

2.

DONATIONS - CITY TO SURF 2000 - SPONSORSHIP OF A COUNCIL TEAM (D53-00421)

That arising from consideration of a report by the Acting Director of Health and Community Services dated 1 September, 1999, it be resolved that:-

- (a) Council sponsor an official South Sydney Council team comprising of Councillors and Staff, in the annual City to Surf Footrace to be held on Sunday 8 August, 2000;
- (b) each member of the official Team have his/her entry fee paid and be supplied with an appropriate Council running uniform;
- (c) an amount of \$3,500 be allocated in the 2000/2001 Estimates to meet the fun run expenses, including refreshments at the conclusion of the run;

-in accordance with Council's recommendation on 23 June 1999, that \$700 be donated to the Para-Olympics as a result of sponsorship of Council participants in the run.

Carried.

3.

FINANCE - ACCOUNTS - SUNDRY ACCOUNTS OUTSTANDING - HIGH RISE CONTRACT PLUMBING SERVICES PTY LTD. - WRITING OFF OF OUTSTANDING DEBT (2021508)

That arising from consideration of a report by the Director of Finance dated 30 August 1999, approval be given for an amount of \$5,418 due by High-Rise Contract Plumbing Services Pty. Ltd. for recoverable works, to be written off as an irrecoverable bad debt.

Carried.

4.

SPORTS - KATE FARNE - 1999 WORLD TRANSPLANT GAMES - DONATION REFUND (2017742)

That arising from a report by the Acting Director of Health and Community Services dated 31st August 1999, an amount of \$3,700, previously set aside for the South Sydney Athletic Club, be reallocated to Council's Section 356 Grants Programme.

Carried.

5.

ALCOHOL FREE ZONE - REDFERN - ESTABLISHMENT (2018366)

That arising from a report by the Director of Corporate Services dated 16 August 1999, Council confirms that all aspects of the proposed establishment of an Alcohol-Free Zone in parts of Redfern conform with the relevant provisions of the Local Government Act, 1993, and therefore decides to publish in two newspapers circulating in the area the application as received. The area proposed for consideration covers:

- (1) the corner area adjacent to the North Eastern corner of Redfern Railway Station, bounded by Gibbons and Lawson Streets, Redfern;
- (2) a continuous area encompassing the entire properties of 104-106 Lawson Street, backing onto Caroline Lane, Redfern, (with permission of the occupants); the paved southernmost area of Eveleigh Street, Redfern from Caroline Lane to Lawson Street Redfern; and the

southernmost area of "Pemulway Park" from the southern kerb alignment of Caroline Lane to Lawson Street, Redfern;

- (3) That the Anti-Discrimination Board be advised of this decision and invited to comment;
- (4) That all liquor licensees and secretaries of registered clubs and adjacent to the affected areas be also advised of this decision and invited to comment.

Carried.

6.

FINANCE - REVENUE COLLECTION - BPAY FACILITIES (R51-00083)

That arising from a report by the Director of Finance dated 31 August 1999, approval be given to:-

- (1) arrangements being entered into with the Commonwealth Bank for the setting up of BPAY facilities for phone transactions and direct debit facilities for ratepayers;
- (2) arrangements being entered into with the Commonwealth Bank for the setting up of BPAY and Cardlink facilities for Sundry debtors;
- (3) an amount of \$20,000 (A/c JPA.66A0) being added to the Finance Department's 1999/2000 Budget to cover Consultant's costs for both the review and the preparation of a tender specification for banking services;
- (4) a subsequent report being prepared for Council on the outcome of the review and the results of the tender and likely impact on Council's Budget.

Carried.

7.

DEVELOPMENTS - USE OF EMBARKATION PARK, NEW YEARS EVE - QUESTION WITHOUT NOTICE - COUNCILLOR FENTON (2021733)

That the report by the Director of Public Works and Services dated 1 September 1999, regarding the above, be received and noted.

Carried.

8.

LEASING - INTERSECTION DARLINGHURST ROAD AND VICTORIA STREET, POTTS POINT - APPLICATION TO LEASE PART (2021583)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Fenton:-

That the application for a lease over the streetscaped area at the intersection of Victoria Street and Darlinghurst Road, Potts Point, as shown on Plan No S6-280/249, be refused.

(DPWS Report 3.9.99)

Moved by Councillor Bush, seconded by Councillor Fowler, that the matter be deferred to allow the Director of Planning and Building to comment on the proposal.

Amendment negatived.

Motion carried.

9.

DONATIONS - ERSKINEVILLE CHAMBER OF COMMERCE - APPLICATION FOR ADDITIONAL IN-KIND SUPPORT (2017152)

That arising from a report by the Acting Director of Health and Community Services dated 9 September 1999, approval be given to the application from the Erskineville Chamber of Commerce for an additional donation towards the Erskineville Music Festival, totalling \$440 to cover the cost of the Development Application fee, with funds to cover this expenditure being transferred from the donations Budget to the 1999/2000 Planning and Building Department's Budget.

Carried.

10.

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

That the report by the Director of Finance dated 9 September 1999, regarding the Summary of Additions to the Adopted Budget, be received and noted.

Carried.

11.

ADMINISTRATION - PERSONNEL - COMMUNICATION POLICY (2014328)

That arising from a report by the Director of Organisational Development dated 9 August 1999, approval be given to:-

- (1) the adoption of the Communication Policy;
- (2) the inclusion of the policy into the Personnel Policy Manual;
- (3) inclusion in the Employee Handbook;
- (4) further development of communication policies and procedures;
- (5) the section of the Policy relating to names, being amended to allow persons names on an informal basis.

Carried.

12.

CONFERENCES - NATIONAL "CHRIS" USERS CONFERENCE - MELBOURNE, VICTORIA, 27 - 29 OCTOBER 1999 - ATTENDANCE BY COUNCIL REPRESENTATIVES (5263043)

That arising from a joint report by the Director of Organisational Development and the Director of Finance dated 7 September 1999, approval be given to the Personnel Manager and the Payroll Manager:-

- (1) attending the Frontier 1999 National "CHRIS" Users Conference in Melbourne from 27 to 29 October 1999, inclusive;
- (2) monies for the airfares, accommodation and conference being utilised out of existing funds in the 1999/2000 Revenue Estimates;
- (3) any reasonable expenses incurred, including out of pocket expenses, be paid on the production of receipts.

Carried.

13.

PARKS - REDFERN PARK, WAR MEMORIAL - RESTORATION - SUPPORT FUNDING APPLICATION (2009436)

- (1) That Council support the submission of a grant application by the Redfern RSL Sub-Branch to the Department of Veteran Affairs for a \$20,000 grant for the restoration and upgrade of the War Memorial in Redfern Park;

- (2) That if the abovementioned grant is approved, Council consider the allocation of \$20,000 to match the grant funds and enable completion of the \$40,000 restoration and upgrade;
- (3) That a further report be submitted to Council when the outcome of the proposed grant application is known.

(DPWS Report 9.9.99)

Carried.

14.

DOMAIN CAR PARK - REQUEST FOR USE OF MOVING FOOTWAY - BIG HOUSE FAX, 24 SEPTEMBER 1999 (2005302)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Fenton:-

That the application by Big House Fax to utilise the Domain Car Park moving footway on 24 September 1999, in relation to the Morgan & Banks Recruitment Conference, be approved and that the consideration money collected in respect of the use be donated to an appropriate charity.

(DCS Report 7.9.99)

Carried.

15.

PROPERTIES - REGINALD MURPHY COMMUNITY HALL, POTTS POINT - REQUEST FOR FREE USE - KINGS CROSS ARTISTS GUILD, 30 OCTOBER 1999 (P56-00410)

That approval be given for the free use of the Reginald Murphy Hall, Potts Point, by the Kings Cross Artists Guild on Saturday 30 October 1999, to hold a fundraising event, this is subject to the Kings Cross Artists Guild meeting the expenses of \$50 and Council forgoing \$410 in income under the provisions of Section 356 of the Local Government Act, 1993.

(DCS Report 13.9.99)

Carried.

16.

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

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That in consideration of the joint report by the Director of Public Works and Services and the Director of Corporate Services dated 31 August 1999, Council contracts Kings Parking for 12 months 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, and that the Contract be reviewed prior to the end of the 12 months.

Carried.

17.

**DEPARTMENTS - CORPORATE SERVICES DEPARTMENT - PROPERTIES
BRANCH AND MANAGEMENT (2011332)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That arising from consideration of a report by the Director of Organisational Development dated 15 September 1999, it be resolved that:-

- (1) the Director of Corporate Services liaise with the Director of Organisational Development to finalise all relevant position descriptions requiring re-evaluation under the Corporate Services Department proposed restructure of the Property Branch;
- (2) the restructure of the Property Branch, including costing implications arising from (1) above and other proposals, be resubmitted to Council by the Director of Corporate Services;
- (3) any position re-evaluated to a higher grade in the classification structure as a consequence to increased duties and responsibilities to be considered re-evaluated as and from the time the additional duties were allocated;

- (4) the question of the vacancy to the position of Property Branch Manager as per the Director of Corporate Services minute of 10 September 1999, be resubmitted to Council by the Director as part of the overall report on the Branch restructure.

Carried.

The Finance Committee Meeting terminated at 7.05 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)

MONDAY, 13 SEPTEMBER 1999 AT 7.06 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.

Apologies:

Apologies for non-attendance were received from Councillors Deftereos, Macken and Waters.

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

Item 1 - Personnel Matter

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

That the Report of the Finance Committee (Confidential Matter) of its meeting of 13 September 1999, be received and the recommendation set out below for Item 1 having been dealt with as shown immediately following such Item.

Carried.

There was no quorum present, Councillors Fenton and Lay who were present recommended the following:-

1.

PERSONNEL - APPRENTICES/CADETS/TRAINEES - INTAKE FOR THE YEAR 2000 (P53-00155)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the recommendation as contained in the report by the Director of Organisational Development dated 9 September 1999, in regard to Apprentices/Cadets/Trainees, be approved and adopted.

Carried.

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

REPORT OF THE COMMUNITY SERVICES COMMITTEE

13 September 1999

PRESENT

Councillor Sonia Fenton (Chairperson)

Councillor Jill Lay (Acting Mayor)

At the commencement of business at 6.49 pm those present were:-

Councillors:- Fenton and Lay

Apologies:

Apologies for non-attendance at the meeting were received from Councillors Deftereos, Macken and Waters.

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

That the Report of the Community Services Committee of its meeting of 13 September 1999, be received and the recommendations set out below for

Items 1 to 3 and 5, be adopted. The recommendation set out below for Item 4 having been dealt with as shown immediately following such Item.

Carried.

There was no quorum present. Councillors Fenton and Lay who were present **recommended** the following:-

1.

**CELEBRATIONS - NATIONAL WATER WEEK, 17 - 23 OCTOBER 1999
(2000743)**

That a media release by the Mayor be scheduled for National Water Week in the local paper to showcase and reinforce Council's existing and pending activities relating to the protection and conservation of water resources, and also the input Council has into the two Catchment Management Plans.

(A/DHCS Report 2.9.99)

Carried.

2.

**COMMITTEES - STANDARDS AUSTRALIA COMMITTEE, NO.EV10/4 -
REPRESENTATION BY COUNCIL (2011755)**

That arising from consideration of a report by the Director of Health and Community Services dated 7 September 1999, approval be given to endorsing Council's Assistant Environment Control Officer, Gordon Downey, for representation on Standards Australia Committee No. EV/10/4 for the development of a Rail Noise and Rail Noise Intrusion Australian Standard.

Carried.

3.

**PARKS - WILSON BROTHERS SITE, BOUNDED BY HUGO, CAROLINE
AND LOUIS STREETS, CHIPPENDALE - APPROVAL TO EXHIBIT DRAFT
PLAN OF MANAGEMENT (2017337)**

That approval be given to:-

- (1) the public exhibition of the draft Wilson Brothers Plan of Management for a period between 21 September - 15 November 1999;
- (2) the exhibition venues to include Council's Administration Building, Newtown Library, Alleena Centre, Pine Street Creative Arts Centre, Darlington Community Centre, Redfern Aboriginal Corporation and an on site display panel;

- (3) the exhibition be advertised in the local press and the local area be letter boxed a minimum two occasions during the exhibition period;
- (4) conduct an information evening at Pine Street Creative Arts Centre;

-for which funds are available in the 1999/2000 Budget (Account FAD refers).

(DPWS Report 6/9/99)

Carried.

4.

CONFERENCES - NEW CENTURY, NEW CONNECTIONS - MELBOURNE, VICTORIA, 17 - 20 OCTOBER 1999 - ATTENDANCE BY COUNCIL REPRESENTATIVES (2027777)

That arising from consideration of a report by the Acting Director of Health and Community Services dated 2 September 1999, approval be given to:-

- (1) Council's Arts Resource Coordinator, Roz Slaughter, and any other interested Councillors, to attend the National Art and Community Conference in Melbourne, from 17 - 20 October 1999;
- (2) the registration, accommodation, travel and any reasonable out-of-pocket expenses for conveyance and subsistence travel being borne by Council, funds for which are available in the 1999/2000 Health and Community Services (Budget KAA 77RO).

Carried.

5.

ADMINISTRATION - HOME AND COMMUNITY CARE (HACC) POLICY AND PROCEDURES MANUAL (2020784)

That the newly prepared practices manual for the HACC funded Aged and Disability Services Branch of the Health and Community Services Department as described in the report by the Acting Director of Health and Community Services dated 9 September 1999, be received and noted.

Carried.

The Community Services Committee Meeting terminated at 6.51 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

13 September 1999

PRESENT

The Acting Mayor, Councillor Jill Lay (Acting Chairperson)

Councillors - John Bush, John Fowler and Christine Harcourt.

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

Councillors - Bush, Fowler and Harcourt

Apology:

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

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

That the Report of the Planning and Development Committee of its meeting of 13 September 1999, be received and the recommendations set out below for Items 1 to 3, inclusive, 7, 10, 14 to 19, inclusive, be adopted. The recommendations for Items 4 to 6, inclusive, 8, 9, 11 to 13, inclusive, and 20, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

COMMONWEALTH STREET, NOS. 216-224, SURRY HILLS - DEMOLITION OF EXISTING BUILDING AND ERECTION OF MIXED RESIDENTIAL AND RETAIL BUILDING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-00456)

(A) That the Council, as the responsible authority, grant its consent to the applications U99-00456 submitted by Alexander Tzannes Architects with the authority of I. Ronen, for permission to demolish an existing building and erect a 4-storey residential/retail building comprising 12 dwellings and ground floor retailing, at Nos. 216-224 Commonwealth Street, Surry Hills, subject to the following conditions, namely:-

(1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$12,000 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the

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

- (2) Prior to the collection of the approved plans and specifications, it will be necessary to produce evidence of the payment of the levy, or the first 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 \$4000, or first instalment (as applicable), can be paid to the Council;
- (3) That the development shall be generally in accordance with the application and accompanying plans numbered DA9709.01A to 03A inclusive, dated 11.5.99 as amended by plans numbered DA9709.04 and 05, dated 6.7.99 and DA9709.06, dated 7 July, 1999;
- (4) That as a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space : LGA Works Programme	\$ 3, 800	2E97003.BGYO
Open Space : New Parks	\$19, 668	2E97009.BGYO
Accessibility and Transport	\$ 116	2E97006.BGYO
Management	\$ 387	2E97007.BGYO
Total	\$23,971	

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 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;

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$6,117	2E97008.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;

- (6) That, in addition to the Section 94 Contributions required by Conditions (2) and (3) above, works to the Public Domain are required generally in accordance with the submitted application and to the requirements and specifications of the Director of Planning and Director of Public Works and Services;
- (7) These works shall be completed to the satisfaction of Council prior to any occupation of the development hereby approved;
- (8) The full agreement of all details of the public domain works, including the cost of those works will be required prior to the implementation of this consent. Under no circumstances will the cost of these works be off-set against any Section 94 Contributions required for the site;

- (9) That effective privacy screening such as landscaping, terrace edge treatment or lattice screens on each residential floor shall be provided along the eastern facade of the building and shall extend for a distance of 11m from the N-E corner of the site. Details of the screening shall be submitted with the application for a Construction Certificate;
- (10) 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 and facade framing elements;
 - (b) pergolas;
 - (c) roofing;
 - (d) awning and supports;
 - (e) terrace balustrade treatment;
 - (f) terrace privacy screening between dwellings;
 - (g) glazing and shopfronts;
 - (h) roller shutters and louvres.
- and that the materials, colours and treatment shall be consistent with the character of the area;
- (11) That the recommendations of the Energy Report, in Appendix D of the Statement of Environmental Effects accompanying the Development Application, shall be complied with;
- (12) That in respect of the solar hot water system the recommendations of the Hydraulics Report, in Appendix F of the Statement of Environmental Effects accompanying the Development Application, shall be complied with;
- (13) That the recommendations of the Contamination Report, in Appendix J of the Statement of Environmental Effects accompanying the Development Application, shall be complied with;
- (14) That provision for the storage of 5 bicycles shall be made on the site. Details shall be lodged with the Construction Certificate;
- (15) That the car park shall be ventilated in accordance with Australian Standard 1668.1-1998, Section 7 and Australian Standard 1688.2-1991, Section 4;
- (16) That the premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with Australian Standard 1668 Parts 1 and 2;

- (17) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to the requirements of the Council's "Waste Management/Minimisation Fact Sheets";
- (18) That the applicant shall enter into a commercial premises contract for the daily collection of trade waste;
- (19) 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 and associated fire precaution features;
 - (b) the garbage room or garbage receptacle storage area;
 - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas;
- (19) That a separate Development Application shall be lodged for the specific use of ground floor retail space;
- (20) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 2.47:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a construction certificate;

and the following adopted standard conditions:

- (21) One Television Aerial¹¹⁴
- (22) Works on Public Way Cost¹⁰⁰²
- (23) Alteration of Public Services¹⁰⁰⁶
- (24) Builders Hoarding Permit¹⁰⁰⁸
- (25) Alignment Levels¹⁰¹⁶
- (26) Separate Application for Signs²⁰⁰¹
- (27) Resident Parking Access³⁰⁰¹
- (28) Vehicles Enter/Leave in Forward Direction³⁰²⁰
- (29) Vehicular Crossing³⁰²¹
- (30) Cost of Signposting³⁰²⁶

- (31) Footway Crossing³⁰²⁸
- (32) Obstruction of Public Way³⁰²⁹
- (33) Traffic and Pedestrian Management³⁰³¹
- (34) Delivery of Construction Materials³⁰³²
- (35) Stormwater Standard⁴⁰⁰¹
- (36) Clean Water Discharge⁴⁰⁰²
- (37) Landscape Plan⁵⁰⁰¹
- (38) Refuse Skips⁶⁰⁰²
- (39) Position of Garbage Area⁶⁰⁰⁵
- (40) Recycling⁶⁰⁰⁷
- (41) Sanitary Facilities⁷⁰¹⁶
- (42) Contamination Assessment⁷⁰¹⁸
- (43) Exhaust for Food⁷⁰²¹
- (44) Ventilation⁷⁰²³
- (45) Noise and Vibration⁷⁰²⁶
- (46) Performance Certificates - Ventilation⁷⁰³⁶
- (47) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (48) Survey Certificate at Completion⁹⁰⁰²
- (49) Structural Details with Construction Certificate⁹⁰⁰⁷
- (50) Drainage Design Certificate⁹⁰¹¹
- (51) Stormwater Certificate at Completion⁹⁰¹⁶
- (52) Comply With BCA⁹¹⁰⁴
- (53) Comply With the WorkCover Authority⁹¹⁰⁵
- (54) Construction Hours⁹¹⁵¹
- (55) Works Within Boundary⁹¹⁵²

- (56) Construction Certificate Required⁹¹⁵⁵
 - (57) Building/Demolition Noise Control⁹¹⁵⁶
 - (58) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
 - (59) Excavating Below Base of Footings⁹¹⁵⁸
 - (60) Works to be Within Allotment Boundaries⁹¹⁵⁹
 - (61) Excavations and Backfilling⁹¹⁶⁰
 - (62) Guarding of Excavations⁹¹⁶²
 - (63) Demolition to Comply With Aust Standard⁹¹⁶³
 - (64) Commencement of Structural Works⁹²⁰²
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

2.

BELLEVUE STREET, NOS. 13-15, SURRY HILLS - REGULARISE USE OF EXISTING BROTHEL - DEVELOPMENT APPLICATION (U98-01049)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Peter Lindsay Johnson, with the authority of Mr Luigi Manfredini, 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 DA01-4 dated 25 August 1998;
 - (2) That the Plan of Management submitted on 2 February, 1999 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 10.00 a.m. and 2.00 a.m. daily;
- (5) That a maximum of four sex workers and one manager/receptionist shall work on the premises at any one time;
- (6) That no flashing, moving or intermittent lighting, visible from the public way shall be installed on the premises;
- (7) That no signs shall be erected on the premises;
- (8) That the street number of the premises shall be clearly displayed;
- (9) That clients shall wait within the premises at all times;
- (10) That all fully enclosed waiting rooms, laundries, bedrooms, clothes drying rooms, water closets, food preparation areas and shower areas not provided with natural ventilation shall be mechanically ventilated in accordance with the Building Code of Australia and Council's Ventilation Code;
- (11) That the fresh air intake vents shall be located in positions approved by the Health and Community Services Department not less than three metres above ground level and not less than six metres from any air handling vent, cooling tower, toilet window, or other source of contamination;
- (12) The construction, fitout and finishing of the ground floor kitchen in No. 13 and all food preparation and storage areas shall comply with the Food (General) Regulation 1997 and the National Code for the Construction and Fitout of Food Premises to the satisfaction of the Director, Health and Community Services Department;
- (13) That the premises shall not be used for the cooking of food for clients unless an approved air handling system is installed to the cooking appliances;
- (14) That the storage and handling of garbage shall comply with the requirements of the Director of Health and Community Services. Attention is drawn to Council's "Waste Management/Minimisation Fact Sheets";
- (15) That a garbage room or garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;

- (16) That no trade wastes shall be stored in the public way at any time;
- (17) That the premises be provided with adequate lighting in accordance with Australian Standard AS 1680;
- (18) That all relevant sections of the BCA shall be complied with;
- (19) That an application for a Construction Certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (20) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (21) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
- (22) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (23) That all bedrooms shall be provided with self closing solid core doors;
- (24) That a suitable smoke/fire alarm system shall be installed throughout the building;
- (25) That plans and specifications showing details of:-
 - (a) all proposed mechanical ventilation systems;
 - (b) all required mechanical ventilation systems;
 - (c) the garbage room;
 - (d) the recycling storage area;
 - (e) the garbage room or garbage receptacle storage area;
 - (f) sanitary facilities;
 - (g) 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;

- (26) That all trade waste shall be stored or contained in such a manner to cause no nuisance;

and the following adopted standard conditions:

- (27) Ventilation⁷⁰²³
- (28) Noise⁷⁰²⁸
- (29) Emissions⁷⁰⁰⁴
- (30) Sewer Discharge⁸⁰⁰⁴
- (31) Exhaust Vents⁷⁰³⁷
- (32) Sex Industry⁷⁰⁴³
- (33) Sex Industry⁷⁰⁴⁴
- (34) Sex Industry⁷⁰⁴⁵
- (35) Sex Industry⁷⁰⁴⁶
- (36) Sex Industry⁷⁰⁴⁷
- (37) Sex Industry⁷⁰⁴⁸
- (38) Sex Industry⁷⁰⁴⁹
- (39) Sex Industry⁷⁰⁵¹
- (40) Sex Industry⁷⁰⁵²
- (41) Sex Industry⁷⁰⁵³
- (42) Sex Industry⁷⁰⁵⁴
- (43) Sex Industry⁷⁰⁵⁵
- (44) Sex Industry⁷⁰⁵⁶
- (45) Sex Industry⁷⁰⁵⁷
- (46) Recycling⁶⁰⁰⁷
- (47) Commercial Garbage Contract⁶⁰⁰³

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

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

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

Carried.

3.

BOTANY ROAD, NOS. 593 - 601, ROSEBERY - ALTERATIONS TO FRONT FACADE - DEVELOPMENT APPLICATION (U99-00814)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr A Agyrou for permission to extend downwards the windows in the front facade and to install a new window and two new doors, 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 \$750 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 there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to produce evidence of the payment of the levy, 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 \$100, or first instalment (as applicable), can be paid to the Council;
 - (3) That the proposal shall be generally in accordance with Drawing Nos. 500/1 and 500/2;
 - (4) That the windows shall not be fitted with external roller shutters;
 - (5) That the signs on the front wall of the building indicating "Customer Parking Only" shall be permanently removed;
 - (6) That the premises night time lighting shall be designed so as to not cause light spill to the dwellings on the western side of Botany Road;
 - (7) That a Development Application shall be submitted for any change of use of the premises;
 - (8) That no structural work shall be commenced until the Compliance Certificate is issued by the certifying authority;

and the following standard conditions:

- (9) 3029 - Obstruction of Public Way
- (10) 3032 - Delivery of Construction Materials
- (11) 6002 - Refuse Skips
- (12) 7069 - Soil and Sediment Prosecution Note
- (13) 8507 - Protection of Public Places
- (14) 9101 - Issue of Occupation Certificate
- (15) 9104 - Comply with BCA
- (16) 9105 - Comply with the Workcover Authority
- (17) 9151 - Construction Hours
- (18) 9152 - Works within Boundary
- (19) 9154 - Work on Public Way
- (20) 9155 - Construction Certificate required
- (21) 9156 - Building/ Demolition Noise Control
- (22) 9157 - Maintain existing Building in a stable condition
- (23) 9163 - Demolition to Comply with Aust Standard
- (24) 9006 - Structural design Certificate
- (25) 9330 - Glazing Provisions
- (26) 9403 - Height of Travel path in exit
- (27) 9407 - Discharge from exits
- (28) 9421 - Exit doors installed in a path of travel to an exit
- (29) 9422 - Altering exit door in the direction
- (30) 9429 - Car Park for People with Disabilities
- (31) 9501 - Portable Fire Extinguishers be Installed
- (32) 9506 - Hose Reels be Installed

- (33) 9507 - Hydrants be Installed
- (34) 9508 - Design of Hydrants
- (35) 9518 - Emergency Lighting
- (36) 9519 - Exit Signs
- (37) 9520 - Directional Signs
- (38) 9610 - Sanitary Facilities for People with Disabilities

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to traffic and parking congestion, and would not be in the public interest.

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

Carried.

4.

GEORGE STREET, NO. 124, REDFERN - BROTHEL/ESCORT AGENCY - DEVELOPMENT APPLICATION (U99-00055)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr. Tony Taouk, with the authority of Lionex Pty Ltd., for permission to use the premises as an escort agency and brothel, subject to the following conditions, namely:-
 - (1) That the development shall be generally in accordance by Council as 00055/99 dated 29 January 1999;
 - (2) That bedroom 4 shown on the approved plans is not to be used for the purposes of the proposed development;
 - (3) That the hours of operation for the brothel shall be restricted to between 10.00 am and 12.00 midnight on a daily basis 7 days a week;

- (4) That no signs are erected on the premises;
- (5) That the premises shall comply with the requirements of Council's Sex Industry Policy;
- (6) That the proprietor shall supply an adequate supply of condoms, dental dams and water based lubricant free of charge for sex workers and their clients;
- (7) That clean linen and towels shall be provided for use of each client;
- (8) That adequate receptacles with close fitting lids shall be provided for the separate storage of used and clean linen;
- (9) That the proprietor shall ensure that all linen, towelling and other bed coverings which comes into contact with clients shall be changed immediately after each use;
- (10) That the proprietor shall enter into a commercial contract to launder linen or install and use a commercial washing machine capable of washing at a temperature of not less than 70 degrees Celsius;
- (11) That all contaminated waste including syringes shall be stored in an approved container and disposed of by an Environment Protection Authority licensed waste collector;
- (12) That the proprietor shall provide written information, ie. pamphlets and brochures for sex workers and clients on sexually transmitted infectious diseases in a variety of languages including those of any sex worker who has difficulty communicating in and/or reading the English language;
- (13) That the proprietor shall ensure that sex workers are adequately trained to examine clients for any visible evidence of sexually transmitted disease and that examinations are conducted before any sexual contact;
- (14) That the proprietor shall ensure that all sex workers undertake regular health check-ups and that accurate records are kept indicating the frequency of such check-ups;
- (15) That the proprietors attention is drawn to the provisions of Section 13 of the Public Health Act, 1991, which makes it an offence 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 agrees to accept the risk;

- (16) That an easily accessible bathroom with full sanitary facilities (ie. toilet, shower/bath and a wash hand basin) for the use of both sex workers and clients must be provided for every three (3) rooms or part thereof;
- (17) That all required wash hand basins shall be provided with an adequate supply of potable water at a temperature of 40 degrees Celsius, delivered through an approved mixing device which can be adjusted to enable hands to be washed under hot running water;
- (18) The sale of alcohol from the premises is strictly prohibited;
- (19) That intoxicated persons are not permitted on the premises at any time;
- (20) That the applicant shows evidence of entering into an agreement with a commercial waste removalist to remove refuses at least once per week, (a garbage receptacle must also be placed outside as a result of this);
- (21) That the red light located in the first floor front room shall be removed;
- (22) That the development is operated in accordance with the Plan of Management submitted to Council;
- (23) That all relevant sections of the BCA shall be complied with;
- (24) That an application for a Construction Certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (25) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (26) 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;
- (27) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (28) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;

- (29) That doorways to all bedrooms and the office shall be protected by self closing solid core doors not less than 35mm thick;
- (30) That a suitable smoke/fire alarm system shall be installed throughout the premises;
- (31) That ventilation to the premises shall comply fully with the requirements of Part F4 of the BCA;
- (32) 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;
- (33) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (34) That the use of the premises shall not give rise to:-

a sound level at any point on the boundary of the site greater than background levels specified in Australian Standard 1055 "Acoustic - Description and Measurement of Environmental Noise" or

an "offensive noise" as defined in the Noise Control Act 1975.

- (35) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
 - (a) all required mechanical ventilation systems;
 - (b) the garbage room or garbage receptacle storage area;

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.

5.

ERSKINEVILLE ROAD, NO. 65, ERSKINEVILLE - DEMOLISH MOST OF THE EXISTING POST OFFICE BUILDING AND ERECT A 3 STOREY MIXED RESIDENTIAL/COMMERCIAL BUILDING WITH BASEMENT PARKING - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U99-00603)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Travis McEwen Group Pty Ltd, with the authority of Rubimint Pty Ltd, for permission to demolish the existing single storey Post Office building, retaining part of the front facade, and erection of a 3 storey building containing 3 shop tenancies (including a new Post Office) on the ground floor and 2 levels of residential accommodating 6 units, with car parking at ground level at the rear and in a basement car park with ramp access from Prospect Street, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$8,730 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$1,820, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (3) That as a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space: LGA Works Prog	\$ 2,358	2E97003.BGY0
Open Space New Parks	\$11,851	2E97009.BGY0
Accessibility And Transport	\$ 70	2E97006.BGY0
Management	\$ 194	2E97007.BGY0
Total	\$14,473	

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.

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

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 the 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 permit.

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. To support a case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works.

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$3,523	2E97008.BGY0

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

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

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 the 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 permit.

- (5) That the development shall be generally in accordance with plans numbered DA 01B to 05B inclusive, dated 1 September, 1999 as amended by plans SK-1 and SK-2 dated 13 September, 1999;
- (6) That the owner shall dedicate free of charge to Council the triangular shaped piece of land between the front building alignment and the northern boundary of the site for incorporation into McCarthy Square on the understanding that the land area will be available for the calculation of floor space ratio;
- (7) That 2 off-street loading vehicle spaces measuring 3000 mm wide x 6000 mm long shall be provided as shown on plan SK-1, with amendments shown in red to reduce the width of the footpath crossings and to bring the alignment of the vehicle space in Morrissey Road in line with the alignment of the building;

- (8) That any security fencing shall be setback from the Morrissey Road boundary to the same alignment as the proposed building to provide a widened footpath;
- (9) That the building setback from Morrissey Road shall be paved to be integrated with the adjoining public footpath, with the paving to be extended the length of the Morrissey Road boundary, excluding the access driveway, and public access be provided over the setback by way of the creation of a positive covenant in favour of Council;
- (10) That the paving in Prospect Street be extended along the length of the street boundary, excluding the access driveway;
- (11) That without prejudice to condition (8) and (9) the applicant shall make a separate application to the Director of Public Works and Services for any paving on the public way (for approval under the Roads Act 1993). The applicant/owner shall complete the work wholly in accordance with the requirements of the Director of Public Works and Services (including responsibility for the full cost of the work, payment of fees, lodgement of a security deposit and public liability insurance);
- (12) That the form of the proposed roof to delete the gable ends facing Morrissey Road and Prospect Street and to provide a hipped roof over these sections - details to be submitted in the Construction Certificate;
- (13) That a maximum of 7 off-street car parking spaces shall be provided and, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m with minimum headroom of 2.2m (except for car space No. 2 which shall be marked in the strata plan as a short space no less than 4800 mm long) and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No. 11;
- (14) That no more than one parking space shall be provided to each of the units in the strata plan;
- (15) That a minimum of 2 x Class 1 (AS 2890.3) bicycle security lockers and 2 x Class 3 (AS2890.3) U-stand type bicycle rack shall be provided for residents and visitors respectively;
- (16) That mirrors shall be installed each side of the vehicle ramp entrance to provide sight lines along Prospect Street for drivers exiting the car park;
- (17) That the specific uses of the proposed 2 retail shops shall be subject of separate development applications;

- (18) That all external windows shall be constructed in timber joinery;
- (19) That the proposed disabled access ramp shall be redesigned to be less intrusive to McCarthy Square with details to be submitted in the Construction Certificate and where it encroaches onto Council's land shall, if necessary be subject of a positive covenant on the title whereby the developer/owner shall be responsible for the full cost of the work, lodgement of security deposit and public liability insurance;
- (20) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:
 - (a) all required mechanical ventilation systems;

-and the following adopted standard conditions:

- (21) One Television Aerial¹¹⁴
- (22) Details of Materials – Deferred Consent¹¹⁶
- (23) Matching Brickwork¹¹⁷
- (24) Glazing Reflectivity less than 20%¹¹⁸
- (25) Street Number Application¹²³
- (26) Alteration of Public Services¹⁰⁰⁶
- (27) Builders Hoarding Permit¹⁰⁰⁸
- (28) Alignment Levels¹⁰¹⁶
- (29) Underground Support¹⁰¹⁷
- (30) Separate Application for Signs²⁰⁰¹
- (31) Lighting on Signs²⁰⁰²
- (32) Resident Parking Access³⁰⁰¹
- (33) Loading/Parking kept clear³⁰¹⁶
- (34) Vehicular Crossing³⁰²¹
- (35) Signs at Egress³⁰²²

- (36) Road Opening Permit³⁰²⁵
- (37) Cost of Signposting³⁰²⁶
- (38) Footway Crossing³⁰²⁸
- (39) Obstruction of Public Way³⁰²⁹
- (40) Delivery of Construction Materials³⁰³²
- (41) Stormwater Standard⁴⁰⁰¹
- (42) Clean Water Discharge⁴⁰⁰²
- (43) 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 planting beds along the southern boundary shall be planted with super advanced trees. 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;
- (44) Street Trees⁵⁰⁰⁸
- (45) Aerial bundling of wires⁵⁰¹⁰
- (46) Maintenance of Landscaping⁵⁰¹⁴
- (47) Final Inspection⁵⁰¹⁵
- (48) Refuse Skips⁶⁰⁰²
- (49) Commercial Garbage Storage⁶⁰⁰⁴
- (50) Recycling⁶⁰⁰⁷
- (51) Intruder Alarm⁷⁰⁰⁶
- (52) Sanitary Facilities⁷⁰¹⁶
- (53) Contamination Assessment⁷⁰¹⁸
- (54) Ventilation⁷⁰²³

- (55) Noise and Vibration⁷⁰²⁶
- (56) Soil and Sediment Control/Stockpiles⁷⁰⁷²
- (57) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (58) Comply With BCA⁹¹⁰⁴
- (59) Construction Hours⁹¹⁵¹
- (60) Works Within Boundary⁹¹⁵²
- (61) Work on Public Way⁹¹⁵⁴
- (62) Construction Certificate Required⁹¹⁵⁵
- (63) Building/Demolition Noise Control⁹¹⁵⁶
- (64) Demolition to Comply With Aust Standard⁹¹⁶³
- (65) That a construction management plan shall be submitted for consideration by the Council Traffic Committee detailing access routes to the site for construction vehicles, including investigation of an option to create a temporary access for vehicles directly from Erskineville Road via Prospect Street and/or Morrissey Road - the plan shall be submitted and dealt with by the Council Traffic Committee prior to the issue of the Construction Permit.

Note 1: That the applicant shall note that this application has not been assessed for compliance with the building Code of Australia or Local Government (Approvals) Regulation

Note 2: 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, streetscape qualities, heritage issues, traffic and parking congestion, and would not be in the public interest.

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

Carried.

6.

PARKING – VICTORIA PARK – QUESTION WITHOUT NOTICE COUNCILLOR BUSH (2019796)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the report by the Director of Public Works and Services dated 8 September 1999, outlining the present situation regarding the proposed construction of a 16 space car park in Victoria Park for use by swimming pool patrons, be received and noted.

Moved as an amendment by Councillor Bush, seconded by Councillor Fowler, that the matter be deferred to observe the actions of users and to do adequate research.

Amendment negatived.

Motion carried.

7.

WILSON STREET, NO. 442, DARLINGTON - DEMOLITION OF FACTORY AND ERECTION OF A RESIDENCE AND WORKSHOP - DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U97-01058)

(A) That the Council is satisfied that the objection submitted pursuant to State Environmental Planning Policy (SEPP) No. 1 to the development standards in Clauses 10 and 11 of Local Environmental Plan No. 107 applying to floor space ratio (FSR) and height of buildings, respectively, is well founded for the following reasons, namely:-

FSR

- (a) That the nature of the surrounding development is such that the building would be consistent with the scale and character of its surrounds;

- (b) That the proposal does not detract from the amenity of adjoining or adjacent residents or the existing quality of the environment if modified as recommended;
- (c) That the proposal replaces an unattractive industrial building which is out of character with the heritage streetscape and dominates the rear lane with a new building which will "infill" the heritage streetscape and reduce the perceived building scale at the rear.

Height

The proposed height, bulk and scale of the building is compatible with the development on the adjoining properties if modified as recommended and accordingly compliance with the standards is unnecessary and unreasonable in this instance.

- (B) That the Council, as the responsible authority, grants its consent to the application submitted by M A Jones (owner) for permission to demolish the existing factory and to erect a new building on 3 levels, plus a mezzanine level, containing a model making workshop/studio, storage space and garage on the ground level, and a 2 bedroom dwelling on the upper levels with a rear deck extending to the rear boundary, 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 \$1500 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$200, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (3) That as a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space Land Acquisition	\$ 414	2E97001.BGY0
Open Space/Townscape/ Public Domain	\$2,079	2E97002.BGY0
Accessibility And Transport	\$ 12	2E97006.BGY0
Management	\$ 34	2E97007.BGY0
Total	\$2,539	

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.

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

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 the consent.

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

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

Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works.

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$618	2E97008.BGY0

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

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

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 the consent as shown above.

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

- (5) That the development shall be generally in accordance with plans numbered DA21B, 22, 23B and 24, date stamped 21 May 1999;
- (6) That the use of the workshop space for model making and studio shall operate only as a "home occupation" and shall, at all times, comply with the requirements that the use is carried out only by the permanent residents of the dwelling and does not involve:-
- the registration of the building under the Factories, Shops and Industries Act 1962;
 - the employment of persons other than those residents;

- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, stream, soot, ash, dust, waste water, waste products or grit, oil or otherwise;
 - (d) the display of goods, whether in a window or otherwise;
 - (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation or the resident);
 - (f) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail
- (6) That the third storey (viewing platform level) shall be amended to:
- (a) reduce the depth of the rear balcony to a maximum of 1200mm and set the balcony in from the side boundaries by a minimum of 1000mm each side;
 - (b) delete the glazed openings on each side of the rear elevation, a minimum of 1000mm in from the each side boundary;
 - (c) cutback the projecting roof so that it extends only over the reduced rear balcony area;
 - (d) provide lattice privacy screens to each side of the rear balcony;

Details to be submitted in the Construction Certificate.

- (8) That the second floor rear balcony shall be reduced in depth to a maximum of 1200mm and the fin walls on the side boundaries cutback accordingly;
- (9) That the proposed external spiral staircase shall either be deleted or located within the rear alignment of the building - details to be submitted in the Construction Certificate;
- (10) That a low rise parapet wall, not exceeding 500mm high shall be provided around the edge of the proposed rear first floor deck and a lattice privacy screen 1800mm in height shall be erected inside the line of the parapet wall - details to be submitted in the Construction Certificate;
- (11) That the proposed garage shall only be used for the garaging of a vehicle and shall not be used as workshop or as storage associated with the workshop;

- (12) That plans and specifications demonstrating compliance with the nominated standards and requirements for all proposed mechanical ventilation systems shall be submitted to Council for approval prior to the issue of a Construction or Occupation Certificate:

and the following adopted standard conditions:

- (13) Details of Materials – Deferred Consent¹¹⁶
- (14) Glazing Reflectivity less than 20%¹¹⁸
- (15) Display Street Number¹²⁴
- (16) Builders Hoarding Permit¹⁰⁰⁸
- (17) Alignment Levels¹⁰¹⁶
- (18) Cost of Signposting³⁰²⁶
- (19) Footway Crossing³⁰²⁸
- (20) Obstruction of Public Way³⁰²⁹
- (21) Delivery of Construction Materials³⁰³²
- (22) Stormwater Standard⁴⁰⁰¹
- (23) Clean Water Discharge⁴⁰⁰²
- (24) Garbage on Public Way⁶⁰⁰¹
- (25) Recycling⁶⁰⁰⁷
- (26) Woodworking Dust⁷⁰⁰³
- (27) Emissions⁷⁰⁰⁴
- (28) Intruder Alarm⁷⁰⁰⁶
- (29) Contamination Assessment⁷⁰¹⁸
- (30) Ventilation⁷⁰²³
- (31) Noise⁷⁰²⁸

- (32) Comply With BCA⁹¹⁰⁴
- (33) Construction Hours⁹¹⁵¹
- (34) Works Within Boundary⁹¹⁵²
- (35) Construction Certificate Required⁹¹⁵⁵
- (36) Building/Demolition Noise Control⁹¹⁵⁶
- (37) Excavating Below Base of Footings⁹¹⁵⁸
- (38) Excavations and Backfilling Safely⁹¹⁶¹
- (39) Guarding of Excavations⁹¹⁶²
- (40) Demolition to Comply With Aust Standard⁹¹⁶³

Note 1: The applicant should note that this application has not been assessed for compliance with the Building Code of Australia or Local Government (Approvals) Regulation.

Note 2: 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.

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

- (D) That the Secretary of the department of Urban Affairs and Planning be notified of Councils determination under SEPP NO. 1 in accordance with the Departments Circular No. 117 of 9 December 1986.

Carried.

8.

**MCLACHLAN AVENUE, NO. 65A RUSHCUTTERS BAY - PROPOSAL -
AUTHORISATION OF A TEMPORARY MOBILE SHED IN USE AS AN
OFFICE - DEVELOPMENT APPLICATION (U99-00312)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority refuses the Development Application submitted by Leonard Smash Repairs for authorisation of a temporary mobile shed in use as an office for the following reasons:
- (1) That Council does not have the authority to grant retrospective approval for building works;
 - (2) That the proposal has an adverse visual impact upon the streetscape in terms of urban design;
 - (3) That the proposal would undermine public safety and as such is not in the public interest;
 - (4) That the structure has been erected on a right of carriageway benefiting an adjoining property.
- (B) That Council suspends legal action with respect to the unauthorised works for a period of two (2) months. During this period a Development Application shall be lodged to Council for a permanent office that is contained wholly within the boundaries of the subject site, and does not use or occupy any area within the Right of Carriageway.
- (C) That the persons who made submission in respect of this application be notified of Council's decision.

Carried.

9.

**THOMAS STREET, NO. 11, DARLINGTON - ALTERATIONS AND ADDI-
TIONS TO DWELLING - DEVELOPMENT APPLICATION (U99-00576)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That Council as the responsible authority grants its consent to the application submitted by Mr Roger Roper with the authority of same for permission to carry out alterations and additions to the abovementioned terrace subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered DA 01-02 dated February 1999 and DA 03A, 04A, DA05A and as annotated in red and verandah details on drawing number 11T-DA-06 dated 30 August 1999;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1380 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit.
 - (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$184 or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (4) That the application for a Construction Certificate shall be accompanied by a letter from a qualified and practising structural engineer, verifying the walls of the existing building can be retained through the construction process, including any recommendations for specific works or building techniques to ensure retention of the building fabric to be retained (such recommendations must be followed and included as conditions in the Construction Certificate, as appropriate);
 - (5) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 0.83:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a Construction Certificate;
 - (6) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:

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

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

- (7) That the proposed brickwork shall match the existing brickwork, to be detailed with the application for a Construction Certificate;
- (8) That any external glazing shall have a reflectivity not exceeding 20%;
- (9) That the new windows and doors in the rear elevation shall be constructed in timber joinery;
- (10) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing an Occupation Certificate;
- (11) 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);
- (12) 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;
- (13) 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;
- (14) 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;

- (15) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (16) That 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 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;
- (19) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (20) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
- (21) That all proposed work shall be wholly within the boundaries of the site;
- (22) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (23) That all relevant sections of the BCA shall be complied with;

- (24) That an application for a Construction Certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (25) That 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 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;
- (27) 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;
- (28) That the requirements of the Work Cover Authority shall be complied with;
- (29) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (30) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (31) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (32) That no structural work shall be commenced until the Construction Certificate is issued by the certifying authority;
- (33) That 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;

- (34) 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;
- (35) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (36) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (37) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (38) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (39) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (40) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (41) 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;
- (42) 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.

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.

VICTORIA STREET, NO. 162, POTTS POINT - ERECT SINGLE STOREY BUILDING AT THE REAR OF A BACKPACKERS HOSTEL - DEVELOPMENT APPLICATION (U99-00162)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by Richard G. Lyon & Associates, with the authority of Burrows Hall Pty Ltd, for permission to erect a single storey building at the rear of the site, subject to the following conditions, namely:-
- (1) That the building shall not be used after 10.30 pm daily;
 - (2) That the building shall not be used as a form of accommodation;
 - (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (4) That prior to issuing a development consent, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$76, can be paid to the Council;
 - (5) That the development shall be generally in accordance with plans numbered 99/HT2/01-99/HT2/02 dated February 1999;
 - (6) That the proposed windows on the northern wall shall be deleted;
 - (7) That the northern external wall shall be fire resistance level of 60/60/60 to comply with the requirements of Clause 3.7.1.6 of the Building Code of Australia;

and the following standard conditions:

- (8) 117 – Matching Brickwork;
- (9) 118 – Glazing Reflectivity less than 20%;
- (10) 3029 - Obstruction of Public Way;
- (11) 4001 – Stormwater Standard;

- (12) 6002 - Refuse Skips;
 - (13) 7008 – Construction Noise;
 - (14) 9104 – Comply with BCA;
 - (15) 9151 – Construction Hours;
 - (16) 9152 – Works within Boundary;
 - (17) 9105 - Comply with the Workcover Authority;
 - (18) 9156 – Building/Demolition Noise Control;
 - (19) 9201 – Timber Framing to Comply with Australian Standard or Certified;
 - (20) 9202 - Commencement of Structural Works;
 - (21) 9006 – Survey Certificate at Completion;
 - (22) 9203 - Protection from Termites;
 - (23) 9323 - Protection of the Underside of Timber Floors;
 - (24) 9330 - Glazing Provision;
 - (25) 9602 – Protection of Walls and Floors in Wet Areas;
 - (26) 9523 – Smoke Alarms;
 - (27) 9605 – Damp and Weather Proofing;
 - (28) 9624 – Construction of External Walls for Dampness;
 - (29) 4002 – Clean Water Discharge;
 - (30) 4005 – Connection to Council's Stormwater System.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

11.

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

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Leduav Pty Limited (owner) for permission to erect 4 bedsitter units for the following reasons, namely:-
- (1) That the proposal is inconsistent with the provisions of Development Control Plan 1997, in particular FSR, Height and Urban Design. The FSR and Height of the proposal do not comply with Council's controls. The proposed bulk and scale of the development are excessive;
 - (2) That the proposal will have adverse amenity impacts on surrounding properties, particularly overshadowing and privacy impacts;
 - (3) The site is not identified as a site in DCP 1997 that may attract a floor space bonus nor have any significant additional public spaces or other material benefits to the community being identified;
 - (4) The proposed units would result in the opportunity of providing private open space for all owners being lost;
 - (5) The proposal represents a significant departure from the density controls in DCP 1997 and would create an unacceptable precedent adversely affecting transport and urban design policies;
 - (6) That the proposal would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

12.

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

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That determination of the application be deferred and the applicant be invited to submit amended plans which:-

- (1) set the northern alignment of the proposed building, adjacent to the rear yard of No. 36, back a minimum of 900 mm;
- (2) for the balconies at the rear of the two proposed houses to be reduced in size so as not to exceed a width of 2400 mm and depth of 1200 mm with privacy screens at either end.

Carried.

13.

LITTLE YOUNG STREET, NO. 6, REDFERN - ALTERATIONS AND ADDITIONS TO RESIDENCE - DEVELOPMENT APPLICATION (U99-00826)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application (including Construction Certificate approval to authorise the proposed building work) submitted by Zareena Wix (Owner) to construct a rear balcony, brick in windows, and provide new French doors on the ground and first floor levels, subject to the following conditions, namely:-
 - (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That the development shall be generally in accordance with the plans labelled "No.6 Little Young Street Redfern", dated July 1999, stamped approved, and held in Council's file U99-00826, except as conditioned below;
 - (3) That the proposed privacy screen at the western end of the balcony shall be returned along the northern edge of the balcony for a minimum distance of 1 metre. Details to be shown on the application for the Construction Certificate;

and the following adopted standard conditions:

- (4) Comply With BCA⁹¹⁰⁴
- (5) Construction Certificate Required⁹¹⁵⁵
- (6) Comply With the WorkCover Authority⁹¹⁰⁵
- (7) Structural Design Certificate⁹⁰⁰⁶
- (8) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (9) Commencement of Structural Works⁹²⁰²
- (10) Smoke alarms⁹⁵²³
- (11) Works Within Boundary⁹¹⁵²
- (12) Obstruction of Public Way³⁰²⁹
- (13) Delivery of Construction Materials³⁰³²

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

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

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

Carried.

14.

ROSLYN STREET, NO. 45, RUSHCUTTERS BAY - CONSTRUCTION OF OUTBUILDING CONTAINING INGROUND POOL AND RECREATION ROOM - DEVELOPMENT APPLICATION (U99-00167)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Dale Jones-Evans, with the authority of Mr A Thomas, for permission to construct an outbuilding containing an inground pool and recreation room, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered SK01-04 dated 6 January 1999 and stamped "approved", as amended by conditions of this consent with such amendments being indicated in red on the approved plans;
- (2) That the height of the proposed masonry fences to be erected along the side boundaries shall not be more than 1.8m in height above the natural ground level of the adjoining properties at the respective boundaries, details to be indicated on the plans submitted with the Construction Certificate;
- (3) That the finish of any walls of the proposed building and the boundary fences exposed to adjoining properties shall be agreed by the owner/owners of those properties, details shall be submitted with the Construction Certificate;
- (4) That the recommendations contained in the report dated 13 July 1999 and prepared by Louis A Challis and Associates Pty Ltd, Consulting Acoustical and Vibration Engineers, shall be complied with, details to be indicated on the plans submitted with the Construction Certificate;
- (5) That a dilapidation report shall be prepared with respect to adjoining retaining walls, structures and sand stone bedrock and submitted with the Construction Certificate. Such report shall also be provided to owners of the subject premises;

-and the following standard conditions:

- (6) Structural Design Certificate⁹⁰⁰⁶
- (7) Comply With BCA⁹¹⁰⁴
- (8) Construction Certificate Required⁹¹⁵⁵
- (9) Works Within Boundary⁹¹⁵²
- (10) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (11) Comply With the WorkCover Authority⁹¹⁰⁵
- (12) Drainage Details with Construction Certificate⁹⁰¹³
- (13) Excavations and Backfilling Safely⁹¹⁶¹
- (14) Demolition to Comply With Australian Standard⁹¹⁶³
- (15) Excavations and Backfilling⁹¹⁶⁰
- (16) Obstruction of Public Way³⁰²⁹

- (17) Delivery of Construction Materials³⁰³²
- (18) Stormwater Standard⁴⁰⁰¹
- (19) Clean Water Discharge⁴⁰⁰²
- (20) Refuse Skips⁶⁰⁰²
- (21) Construction Hours⁹¹⁵¹
- (22) Building/Demolition Noise Control⁹¹⁵⁶
- (23) Noise and Vibration⁷⁰²⁶
- (24) Noise⁷⁰²⁸
- (25) Construction Noise⁷⁰⁰⁸
- (26) Sewer Discharge⁸⁰⁰⁴
- (27) Clean Water Discharge⁴⁰⁰²

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

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

Carried.

15.

PITT STREET, NO. 189, REDFERN - TO CARRY OUT ALTERATIONS TO THE EXISTING TERRACE INCLUDING FIRST FLOOR ADDITIONS AND A REAR FIRST FLOOR BALCONY - DEVELOPMENT APPLICATION (U99-00739)

- (A) That the Council as the responsible authority refuses its consent to the development application submitted by Philip Diment (with the authority

of the owner Roger Bidstrup) for permission to carry out first floor alterations and additions including a first floor balcony at No. 189 Pitt Street, Redfern, for the following reason, namely:-

- (1) That Council does not have the authority to grant retrospective approval for building works.
- (B) That Council resolve to advise the applicant to complete the remainder of the building works subject to the conditions contained below, and that the applicant submit a structural certificate certifying the works, within two months from the date of this resolution, viz:
- (1) That the first floor balcony be amended to have a maximum length of 4 metres and a maximum width of 1.2 metres;
 - (2) That the roof over the first floor balcony shall be set down 300 mm below the parapet level of the building;
 - (3) That the first floor balcony shall be constructed in timber, with simple timber post railing and balustrading;
 - (4) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate with specific attention directed to the dining room roof;
 - (5) That the residential portion of the premises including the stairway shall be separated from the retail showroom area by construction having a minimum fire resistance level of 60/60/60;
 - (6) That the ceiling above the retail showroom area shall be constructed of material having a resistance to the incipient spread of fire of one hour;
 - (7) That natural light and ventilation shall be provided in accordance with the requirements of Part F.4 of the Building Code of Australia with specific attention directed to the ground floor study;
 - (8) That handrails and balustrades shall comply fully with the requirements of Part D of the Building Code of Australia;

-and the following adopted standard conditions:

- (9) Comply With BCA⁹¹⁰⁴
- (10) Comply With the WorkCover Authority⁹¹⁰⁵
- (11) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (12) Survey Certificate at Completion⁹⁰⁰²

- (13) Works Within Boundary⁹¹⁵²
 - (14) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
 - (15) Protection of Openings⁹³⁰⁷
 - (16) Structural Design Certificate⁹⁰⁰⁶
 - (17) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
 - (18) Commencement of Structural Works⁹²⁰²
 - (19) Protection from Termites⁹²⁰³
 - (20) Exit Doors Installed in a Path of Travel to an Exit⁹⁴²¹
 - (21) Portable Fire Extinguishers be Installed⁹⁵⁰¹
 - (22) Emergency lighting⁹⁵¹⁸
 - (23) Exit signs⁹⁵¹⁹
 - (24) Fire detection and alarm system⁹⁵²²
 - (25) Ceiling heights of rooms or spaces⁹⁶¹²
 - (26) Construction of External Walls for Dampness⁹⁶²³
 - (27) Storage Cupboards under Stairs⁹⁸⁶⁶
 - (28) Ventilation⁷⁰²³
 - (29) Soil and Sediment Prosecution Note⁷⁰⁶⁹
 - (30) Natural light and ventilation⁹⁶¹³
 - (31) Obstruction of Public Way³⁰²⁹
 - (32) Delivery of Construction Materials³⁰³²
 - (33) Refuse Skips⁶⁰⁰²
 - (34) Works Within Boundary⁹¹⁵²
- (C) That if the work is not completed in accordance with the above within the two month period, Council resolve to take legal action regarding the matter.

- (D) That the applicant be advised that a Development Application must be submitted for use of the premises as a gallery. The application must be submitted within fourteen days from the date of this resolution, after which time Council resolve to take legal action regarding the unauthorised use.
- (E) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

16.

MOORE PARK ROAD, NO. 258 , PADDINGTON - ALTERATIONS AND ADDITIONS TO A TERRACE DWELLING INCLUDING A DETACHED GARAGE/ STUDIO AT REAR - DEVELOPMENT APPLICATION (U99-00767)

- (A) That the Council as the responsible authority grants its consent to the development application submitted by D & G Phillips for permission to carry out alterations and additions to a terrace dwelling including a detached garage/studio, subject to the following conditions, namely:-
 - (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$260, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (3) That the development shall be generally in accordance with plans numbered 1201 Issue No. C and 1501 Issue No. B, dated 27.6.99 except as amended below;
 - (4) That the external staircase located on the southern side of the garage/studio shall be enclosed with timber panelling. Details indicating such amendments shall be provided to Council prior to the release of the Construction Certificate;

- (5) That the number of windows in the southern elevation of the garage/studio shall be reduced to one only, having a dimension no greater than 1m x 1m to reduce the incidence of overlooking into the adjoining properties. Details indicating such amendments shall be provided to Council prior to the release of the Construction Certificate;
- (6) That the second floor balcony facing onto Moore Park Road shall remain open and the balustrade shall be reinstated;
- (7) That all new windows and doors shall be constructed in timber joinery;
- (8) That the use of the premises shall remain as dwelling in single occupation only;
- (9) That an application for a Construction Certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (10) 1015 – Remove existing encroachments
- (11) 3028 – Footway crossing
- (12) 3029 – Obstruction of public way
- (13) 3032 – Delivery of construction materials
- (14) 4001 – Stormwater standard
- (15) 8501 - That all relevant sections of the BCA shall be complied with
- (16) 8503 – Residential building work
- (17) 9001 – Survey certificate at set out stage
- (18) 9002 – Survey certificate at completion
- (19) 9017 – Stormwater certificate at completion
- (20) 9108 – Walls not to be built as party walls unless consent obtained
- (21) 9107 – Repair to party wall

- (22) 9006 – Structural design certificate
- (23) 9013 – Drainage details with Construction Certificate
- (24) 9016 – Stormwater certificate at completion
- (25) 9151 – Construction hours
- (26) 9156 – Building/demolition noise control
- (27) 9157 – Maintain existing building in a stable condition
- (28) 9159 – Works to be within allotment boundaries
- (29) 9163 – Demolition to comply with Australian standards
- (30) 9152 – Works to be within property boundaries
- (31) 9201 – Timber framing to comply with Australian standard or Certified
- (32) 9203 – Protection from termites
- (33) 9204 – Protection from termites
- (34) 9323 – Protection of external walls
- (35) 9325 – Sarking material flammability index
- (36) 9326 – Protection of roof lights
- (37) 9330 – Glazing provisions
- (38) 9331 – Openings in external walls non-openable
- (39) 9202 – Commencement of structural works
- (40) 9419 – Stairs and balustrades
- (41) 9523 – Smoke alarms
- (42) 9602 – Protection of walls and floors in wet areas
- (43) 9604 – Clothes washing, drying and cooking facilities
- (44) 9605 – Damp and weather proofing
- (45) 9611 – Ceiling heights of rooms
- (46) 9613 – Natural light and ventilation

- (47) 9616 – Mechanical ventilation to internal bathrooms and laundries
- (48) 9624 – Construction of external walls for dampness
- (49) 9614 – Natural light and ventilation

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.

BOURKE STREET, NOS. 697-699, SURRY HILLS – ERECT A THREE STOREY BUILDING WITH A SHOWROOM/OFFICE AND 4 BEDROOM DWELLING – DEVELOPMENT APPLICATION (U99-00674)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Mr M M Farzandian, for permission to erect a three storey building comprising of a ground floor showroom and office, and a four bedroom dwelling for the following reasons, namely:-
 - (1) That the proposed development has not satisfied the requirements of Clause 28 of LEP 1998 relating to urban design, public domain and energy efficiency;
 - (2) That the proposed development does not comply with the requirements of Council's DCP 1997 in respect to FSR, Height, Open Space, Urban Design, Solar Access and Privacy;
 - (3) That the proposal does not comply with Council's DCP No 11 – Transport Guidelines for Development in relation to car parking;
 - (4) That the scale, siting and form of the development is such that it does not ensure a reasonable level of amenity to be maintained for the adjoining properties;
 - (5) That the proposal is too bulky and not in keeping with the existing streetscape;

- (6) That the proposal is an overdevelopment of the site, which will reduce the amenity surrounding the site;
 - (7) That the proposal will adversely affect the future amenity of the area;
 - (8) That the proposal is not in the public interests.
- (B) That the persons who made representation in respect of the proposal be advised of Council's decision.

Carried.

18.

ROCHFORD STREET, NO. 163, ERSKINEVILLE - DEMOLISH REAR SECTION, REBUILD BRICK VENEER ADDITION - SECTION 96 AMENDMENT - DEVELOPMENT APPLICATION (U99-00001)

- (A) That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment Act 1979 to the modification of Development Application (U99-00001) submitted by James Lynch, with the authority of James Lynch and V Haisman, and issued by Council on 24 March 1999, only in so far as it provides the following, namely:-

by amending condition (4) of the development consent to read as follows:

- (4) That the floor height of the proposed extension shall be lowered by 400mm;
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

19.

WARATAH STREET, NO. 27, RUSHCUTTERS BAY - INSTALL AIR CONDITIONING UNITS ON ROOF - DEVELOPMENT APPLICATION (U96-00455)

That the matter be deferred to the next Planning and Development Committee Meeting to be held on 13 October 1999, and the Director of Planning and Building to contact the applicant and prepare a report on:-

- (1) obtaining a Certified Technician to test the acoustics of the air conditioning;

- (2) the thermal load of the roof affecting the units below;
- (3) alternative methods of air conditioning.

Carried.

20.

ANZAC PARADE NO. 5A, MOORE PARK - ERECT MCDONALDS RESTAURANT, TENNIS CLUB HOUSE AND REFURBISH TENNIS COURTS - DEVELOPMENT APPLICATION (U95-00516)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (1) That Council considers it inappropriate to formulate conditions in respect of an application more than five years old which relies on a statement of environmental effects and reports, including traffic, which do not reflect current conditions of the site and the surroundings area, and that Council as the responsible authority defer its decision and the imposition of conditions on the consent until such time as the applicant has prepared and submitted additional information in accordance with the requirements outlined by Council's Solicitors in the letter dated 16 September 1999;
- (2) That a further report shall be prepared by the Planning and Building Department and shall be submitted to the Planning and Development Committee having regard to the additional information prepared by the applicant, and that the recommendation included in the report dated 9 September 1999 shall be reviewed in accordance with the additional information;
- (3) That Council's Solicitors request that the Land and Environment Court not set the matter down for hearing until the applicant has updated all its information in support of the application;
- (4) That Council's Solicitors request that the Land and Environment Court relieve Council of its obligation to provide draft conditions by 1 October 1999, and it postpone that requirement until the information in support of the application has been updated and Council has had an opportunity to process that information;
- (5) That if the Court insists that draft conditions be supplied by Council, that the General Manager be delegated authority to formulate conditions for submission to the Court;
- (6) That with regard to the proposed removal and lopping of trees and the cutting back of the root system of trees covered by a Tree Preservation Order, Council refuses its consent pursuant to the provisions of Tree

Preservation Orders and Part VI of the City of Sydney Planning Scheme Ordinance;

- (7) That Council request that the NSW Heritage Office place an interim Heritage Order upon the existing tennis dressing room/café building located on the site, and the Grand Drive, including the trees thereon;
- (8) That the Council request the Premier to revoke the agreement between the Centennial and Moore Park Trust and Gameplan Pty Ltd and Newks Marketing Pty Ltd and ensure that the Grand Drive is restored and finished in accordance with the Federation Grant design and that copies of all submissions also be forwarded.

Carried.

The Planning and Development Committee Meeting terminated at 8.35 p.m.

The Council Meeting terminated at 7.25 p.m.

Confirmed at a meeting of South Sydney City Council
held on1999

CHAIRPERSON

GENERAL MANAGER