

263RD Meeting**Erskineville Town Hall
Erskineville**

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Wednesday 6 December 2000

An Extraordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 5.57 p.m. on Wednesday, 6 December 2000.

PRESENT

His Worship, The Mayor, Councillor John Fowler (Chairperson)

Councillors – John Bush, Peter Furness, Christine Harcourt, Jill Lay, Amanda Lennon, Shayne Mallard, Tony Pooley and Gregory Shaw

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NOTICES OF MOTION

1.

BELMONT STREET, NO. 325, ALEXANDRIA – ERECTION OF ROLLER SHUTTER DOOR – DEVELOPMENT APPLICATION - MOTION TO RESCIND (U00-00920)

Moved by Councillor Bush, seconded by Councillor Mallard:-

That resolution of Council of 8 November 2000, as follows, namely:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Neil Hetherington (owner) for permission to erect a roller shutter door on the rear boundary of the subject property, 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 \$330. in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That the development shall be generally in accordance with plans Ref. 2038-1 and 2 dated July 2000, as amended to comply with the requirements in condition (3);
 - (3) That the maximum width of the roller shutter opening shall not exceed 3800mm;
 - (4) That no more than one vehicle shall be parked on the site at any one time;
 - (5) 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);
 - (6) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;

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- (7) That the developer shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerbing, guttering, drainage etc. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (8) That 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;
- (9) 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;
- (10) 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;
- (11) 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);
- (12) 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;
- (13) 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;
- (14) That all relevant sections of the BCA shall be complied with;
- (15) That, in accordance with the requirements of Clause 79H of the Environmental Planning and Assessment Regulation 1997 the certifying authority shall be informed in writing prior to the commencement of work of the following:-
 - (a) the name and contractor's licence number of the licensee who has contracted to do or intends to do the work; or

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- (b) the name and permit number of the owner-builder who intends to do the work;

and the certifying authority shall be immediately informed in writing if:-

- (c) a contract is entered into for the work to be done by a different licensee; or
 - (d) arrangements for the doing of the work are otherwise changed;
- (16) 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);
 - (17) That all proposed work shall be wholly within the boundaries of the site;
 - (18) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
 - (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 the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

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.

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

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

- be rescinded.

At this stage it was moved by Councillor Mallard, seconded by Councillor Bush, that the motion be put.

Carried.

Rescission Motion carried.

At this stage it was moved by Councillor Mallard, seconded by Councillor Bush, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, consideration of the Development Application for Belmont Street, No. 325, Alexandria.

Councillor Lay indicated that the items listed on the Council Business Paper must be dealt with before any motion can be considered to bring forward business which due notice has not been given, and that Councillor Mallard's motion was out of order.

The Mayor on the advice of the General Manager ruled that the motion can be dealt with at this stage.

Councillor Mallard's motion was carried.

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

1.

BELMONT STREET, NO. 325, ALEXANDRIA – ERECTION OF ROLLER SHUTTER DOOR – DEVELOPMENT APPLICATION (U00-00920)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Neil Hetherington (owner) for permission to

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erect a roller shutter door on the rear boundary of the subject property, 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 \$330. in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That the development shall be generally in accordance with plans Ref. 2038-1 and 2 dated July 2000;
- (3) 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);
- (4) 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;
- (5) That the developer shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerbing, guttering, drainage etc. The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (6) 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;
- (7) 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;

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- (8) 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;
- (9) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (10) That 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;
- (11) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes;
- (12) That all relevant sections of the BCA shall be complied with;
- (13) That, in accordance with the requirements of Clause 79H of the Environmental Planning and Assessment Regulation 1997 the certifying authority shall be informed in writing prior to the commencement of work of the following:-
 - (a) the name and contractor's licence number of the licensee who has contracted to do or intends to do the work; or
 - (b) the name and permit number of the owner-builder who intends to do the work;and the certifying authority shall be immediately informed in writing if:-
 - (c) a contract is entered into for the work to be done by a different licensee; or
 - (d) arrangements for the doing of the work are otherwise changed;
- (14) 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);

- (15) That all proposed work shall be wholly within the boundaries of the site;
- (16) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
- (17) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (18) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

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.

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

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

Carried.

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2.

IRIS STREET, NO. 43, PADDINGTON – ADDITION OF THIRD STOREY TO RESIDENTIAL TERRACE – DEVELOPMENT APPLICATION - MOTION TO RESCIND (U99-01402)

Moved by Councillor Bush, seconded by Councillor Mallard:-

That resolution of Council of 8 November 2000, as follows, namely:-

- (A) That the Council as the responsible authority refuses to grants its consent to the application submitted by Archivision Design with the Authority of Mr A Cook and Ms K Balcewicz, for permission to add an additional storey to the dwelling, for the following reasons, namely:-
- (1) The proposal is not consistent with the objectives of South Sydney Local Environmental Plan 1998 for Zone No.2(b) Residential (Medium density) zone, insofar as the proposal would not enhance the amenity of the residential area and would not be in character with the surrounding area and existing quality of the environment;
 - (2) The proposal is not consistent with the objectives of South Sydney Local Environmental Plan 1998: Clauses 23 and 24 protection of conservation areas and contributory elements of conservation areas and Clause 28 principles of built environment design;
 - (3) The proposal is not consistent with the objectives of South Sydney Development Control Plan 1997. Specifically Part B Urban Design- Buildings and Heritage insofar as the form is not in accordance with streetscape character;
 - (4) The proposal is not consistent with the objectives of South Sydney Development Control Plan 1997. Specifically: Part F 1.4- Alterations and Additions; Part F Section 2- Building Form and Appearance, Section 3- Heritage and Conservation and Section 4- Amenity as the proposal does not meet the objectives of scale and form is not sympathetic to the character of the conservation area;
 - (5) The proposal is not consistent with the objectives of Draft Heritage and Conservation Local Environmental Plan 1996 insofar as the proposal is not appropriate to the existing building and surrounding character and established streetscape and will disrupt the consistent roof form of the row of terrace houses;

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

-be rescinded.

At this stage it was moved by Councillor Bush, seconded by Councillor Mallard, that the motion be put.

Carried.

Rescission Motion carried.

At this stage it was moved by Councillor Mallard, seconded by Councillor Bush, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, the Development Application for Iris Street, No. 43, Paddington.

Carried.

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

2.

IRIS STREET, NO. 43, PADDINGTON – ADDITION OF THIRD STOREY TO RESIDENTIAL TERRACE – DEVELOPMENT APPLICATION - MOTION TO RESCIND (U99-01402)

- (A) That Council as the responsible authority grant its consent to the application submitted by Archivision Design for the construction of an attic room, subject to the following conditions:
- (1) That the proposal shall be modified so that the rear elevation has the appearance of a skillion dormer window protruding from a pitched roof and the dormer shall be set 200mm below the ridge, 200mm behind the rear wall and 500mm in from the side walls, in accordance with DCP 1997.
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$450 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (3) That prior to issuing a 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

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- value of \$60, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) That the development shall be generally in accordance with plans numbered A9752-A, dated 11 October, 1999, except as modified by conditions of this consent including condition 1;
 - (5) That the exposed external walls shall be rendered, bagged or painted, and shall be detailed in the application for a construction certificate (and work done prior to issuing an Occupation Certificate);
 - (6) 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;
 - (7) 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;
 - (8) 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);
 - (9) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
 - (10) That all proposed work shall be wholly within the boundaries of the site;
 - (11) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
 - (12) That 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;

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- (13) 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;
- (14) 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;
- (15) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (16) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (17) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (18) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (19) That 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
- (20) That the applicant shall comply with the following condition or otherwise provide an alternative solution, submitted as a report to the certifying Authority, illustrating how the relevant performance requirements can be satisfied:-
 - (a) 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;
 - (b) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".

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- (c) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
- (d) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (e) 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;
- (f) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (g) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (h) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (i) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (j) 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;

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

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

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

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

Carried.

3.

**OXFORD STREET, NO. 263, DARLINGHURST – RESTRICTED PREMISES
– DEVELOPMENT APPLICATION – MOTION TO RESCIND (U00-00874)**

Moved by Councillor Harcourt, seconded by Councillor Pooley:-

- (A) That Council as the responsible authority refuses its consent to the application submitted by Kim Burrell for permission to use the ground floor as a restricted premises for the following reasons, namely:-
- (1) That the proposal does not comply with the requirement in clause 47 of LEP 1998 for restricted premises to be located at least 1500mm above or below street level;
 - (2) That the proposed development does not comply with the provisions of the Sex Industry Policy and in particular section 2.1, location with respect to churches, hospitals and hotels or places where alcohol is served;
 - (3) That the proposal is inconsistent with the character of this section of Oxford Street and would have a detrimental impact on the amenity of the area and the potential to provide local retailing facilities;
 - (4) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

-be rescinded.

At this stage it was moved by Councillor Furness, seconded by Councillor Lennon, that the motion be put.

Negatived.

Rescission Motion carried.

It was moved by Councillor Harcourt, seconded by Councillor Lay, that the recommendation of the Director of Planning and Building in the report dated 17 November 2000, be approved and adopted.

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Negatived.

It was then moved by Councillor Bush, seconded by Councillor Mallard, that having regard to the Council's Sex Industry Policy, the matter be deferred and be referred to the Council Meeting on 13 December 2000 for consideration.

Carried.

The Council Meeting terminated at 6.30 p.m.

Confirmed at a meeting of South Sydney City Council
held on2000

CHAIRPERSON

GENERAL MANAGER

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