

## 264<sup>TH</sup> Meeting

**Erskineville Town Hall  
Erskineville**

116246

**Wednesday, 13 December 2000**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.40 pm on Wednesday, 13 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, Gregory Shaw.

### **INDEX TO MINUTES**

<b>Subject</b>	<b>Page No.</b>
Confirmation of Minutes	1305
Minutes by the Mayor	1305
Minutes by the General Manager	1309
Questions Without Notice	1339
Report of Finance Committee	1349
Report of Community Services Committee	1365
Report of Planning and Development Committee	1368
Notice of Motion	1439

**GENERAL MANAGER**

At this stage the Chairperson welcomed everyone present to the final Council Meeting for the year 2000.

### **Confirmation of Minutes**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 29 November 2000 and the Extraordinary Meeting of Council of 6 December 2000, be taken as read and confirmed.

At the request of Councillor Furness, and by consent, the minutes of the Ordinary Meeting of Council of 29 November 2000, were amended on Page 1193 by the deletion of the name "Councillor Peter Furness" as Chairperson of the Finance Committee and the insertion in lieu thereof of the name "Councillor Shayne Mallard".

Minutes, as amended by consent, were then confirmed.

### **MINUTE BY THE MAYOR**

12 December 2000

#### **DONATIONS – CHRISTMAS CAROL EVENTS IN PUBLIC HOUSING ESTATES IN REDFERN AND WATERLOO (D53-00313)**

I have received a letter from Reverend John McIntyre, Rector at St. Saviour's Redfern, requesting financial assistance of \$1,000 towards two Christmas Carol events that the Church is planning to hold at the public housing estates in Redfern and Waterloo.

Over the last twenty years the church has sung carols at the Poets' Corner estate in Redfern, and this year is planning to extend this service to the Waterloo estate. This will ensure that housing tenants will have something for Christmas that is accessible to them. It will be a fairly simple affair but does have some equipment hire costs associated with it, and therefore the request for financial assistance.

#### **RECOMMENDATION:**

That approval be given to the payment of a donation of \$1,000 to St. Saviour's Redfern to assist towards two Christmas Carol events that the church is planning on holding at the public housing estates in Redfern and Waterloo, for which funds are

**GENERAL MANAGER**

available in Community Grants under Section 356 Donations in the 2000/01 Budget (1.24.6815.16410).

Councillor John W. Fowler (SGD)

**Mayor**

Moved by Councillor Mallard, seconded by Councillor Lay:-

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

Carried.

## **MINUTE BY THE MAYOR**

13 December 2000

### **ADMINISTRATION – MYTHS AND INTERFERENCE FROM THE LORD MAYOR – SPROATS’ INQUIRY (2023447)**

Council has become aware of a new initiative by the Lord Mayor of Sydney regarding the Sproats' Inquiry. Councillor Sartor is distributing to non-City residents a four page, glossy newsletter promoting the expansion of the City of Sydney.

Cr Sartor presents what he describes as a "compelling case for change" that "seeks to dispel [the] myths" and "sets [out] the facts" surrounding the current local government Inquiry into the eight inner city councils.

This publicly funded propoganda is a carefully crafted document, filled with generic pieties and is capable of distribution throughout all the other seven council areas being reviewed.

It is deplorable that City of Sydney funds are being squandered so recklessly to advance the boundary pretensions of a Lord Mayor who covets control of all local government from Glebe to Bondi.

In the course of the brochure Cr Sartor misrepresents the position and record of all his neighbouring councils, as well as the NSW Government, and advances spurious claims about the City of Sydney's pre-eminence and achievements.

I have today lodged a formal complaint with the Hon. Harry Woods, Minister for Local Government, concerning the ethics, legality and propriety of such propogandizing outside the City of Sydney area.

It is an impertinent attempt to interfere in local governance. The Lord Mayor is engaged in a disturbing waste of ratepayers' resources, especially given his criticisms of other councils' financial management.

**GENERAL MANAGER**

That Council endorses the complaint lodged with the Minister for Local Government and directs an appropriate detailed response be issued by the Media Unit.

Councillor John W. Fowler (SGD)

**Mayor**

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

## **MINUTE BY THE MAYOR**

13 December 2000

### **COMMUNITY FACILITIES – PROPOSAL FOR TRIAL HOMELESS TOLERANCE SPACE IN WOOLLOOMOOLOO (2021144)**

#### **Issue**

This Mayoral minute seeks approval to commence the planning process involving community consultation to establish a trial space within the local area to encourage the safe relocation of the homeless men away from direct conflict with the Woolloomooloo community.

#### **Background**

Council has become aware of the heightened problems and conflict associated with the concentration of homeless men in Tom Uren Square, (TUS) Woolloomooloo. TUS is a community open space of importance to the local housing department tenants and community. This concentration has raised concerns from many stakeholders including the Department of Housing, local Police, Department of Community Services, Premiers Department and Health authorities. The issues are complex but general concerns are the safety and welfare of the local community, including the potential for violence.

Tragically what everyone feared occurred last month when a homeless man in TUS was murdered allegedly by residents of Woolloomooloo.

Council has met with stakeholders gathered by MLA for Bligh to address this issue. To date Council has provided operational assistance through increased cleansing and removal of temporary bedding etc. Council has also rebuilt the toilets in Wolla Mulla Park to provide appropriate sanitary facilities for the men and in the interim, portable toilet facilities.

**GENERAL MANAGER**

During the Olympic period the Premiers Department funded a report (on file) of those living in TUS. In summary the report found that most of the men suffered from complex social problems relating to long term unemployment, substance abuse and mental illness. The program has successfully relocated six men into short and medium term accommodation. Since then another four have made this transition. Unfortunately most of the remainder indicated that they did not want to find accommodation. And the 10 since housed, have been replaced by more homeless.

The draft South Sydney Council Social Plan says in relation to homeless people and management of public space that Council should:

‘Develop public space management policies and guidelines that take into account the needs and safety of homeless people’.

And that homeless people could:

‘Use public spaces for activities that do not impact adversely on the rights of other users/or the rest of the community.’

Council reiterates that the homeless issue must involve a whole of government approach. Any proposal developed must be devised and supported in partnership by all levels of government.

By the objectives of the Draft Social Plan, it is proposed to explore the creation of a Trial Homeless Tolerance Space open space in Woolloomooloo (Bourke Street open space west of TUS). To explore this option it is necessary for council staff to prepare documentation for public exhibition and consultation.

### **RECOMMENDATION:**

To assist in addressing the immediate crisis of homeless men in Tom Uren Square the Council supports in principle the preparation of plans and documentation for consultation towards a Development Application to create a Trial Homeless Tolerance Space in Woolloomooloo (proposed site Bourke Street west open space). Such plans and documentation to be prepared for community consultation in 2001 before council moves further on this proposal.

Councillor John W. Fowler (SGD)

**Mayor**

Moved by Councillor Mallard, seconded by Councillor Harcourt:-

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

Carried.

**GENERAL MANAGER**

## **MINUTE BY THE MAYOR**

13 December 2000

### **PUBLIC RELATIONS – DEATH OF MR. RON WILLIAMS (2004380)**

It is with regret that I inform Council of the recent death of Mr. Ron Williams.

Mr. Williams was President of the Redfern RSL for 45 years. He lived in the Redfern area of South Sydney all his life and in the same house in which he was born.

He was Director of Community Services of the former South Sydney Council prior to the 1982 amalgamation with Sydney City Council.

The Council's Ron Williams Activity Club in Kepos Street, Redfern, is named after him.

It is recommended that a letter under the signature of the Mayor be forwarded to Mr. Ron Williams' family expressing the condolences of Council.

Councillor John W. Fowler (SGD)

**Mayor**

Moved by Councillor Lay, seconded by Councillor Furness:-

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

Carried.

## **MINUTE BY THE GENERAL MANAGER**

13 December 2000

### **ADMINISTRATION – REPLACEMENT OF GENERAL MANAGER (2020700)**

My existing contract expires on 24<sup>th</sup> August, 2001, and I do not propose to seek a further extension of the contract after the expiry date.

It is appropriate that a period of three months be used as a hand over period for the new General Manager. As the new incumbent will need to give between 1 – 2 months notice, the calling for the position, interviews and appointment will take at least 2 months, consequently the position should be advertised mid January, 2001.

**GENERAL MANAGER**

As the Enquiry Commission's submission to the Minister will not be made until 31<sup>st</sup> March, 2001, South Sydney City Council's position will not be known until well after that date.

It would appear that to advertise the position before any decision has been made would be futile.

A further report will be submitted to Council when the decision on the enquiry is made.

It is recommended that no action be taken at this time to advertise the position of General Manager until a decision has been made on the enquiry into the inner City Councils, and that the General Manager continue on a month/month basis after 24<sup>th</sup> August, 2001, and that the remuneration be negotiable between the Mayor and the General Manager for the period after 24<sup>th</sup> August, 2001.

J. W. Bourke (SGD)  
**General Manager**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

At the request of the Mayor, and by consent, the minute be amended by the addition of the words "and that the matter of the General Manager's replacement be put on the agenda for the Management Review Weekend to be held in April 2001" after the word "made" where appearing in the fifth paragraph of the minute.

Motion, as amended by the Mayor, carried.

### **MINUTE BY THE GENERAL MANAGER**

13 December 2000

#### **PUBLIC RELATIONS – CUSTOMER SATISFACTION SURVEY 2000 (2023642)**

Councillors by resolution on 8 November 2000 directed the General Manager to carry out a Customer Satisfaction Survey in early 2001.

This survey data will be invaluable in preparing Council's oral submission to Commissioner Sproats' Inquiry. Public hearings are expected to be scheduled during February 2001.

The draft consultant's brief accompanied the minute. Given the short timeline, it is proposed to engage the consultant using a selective limited quotation process.

**GENERAL MANAGER**

The cost of the previous survey was \$45,000. Allowing for GST and CPI adjustments, this figure is expected to rise.

**RECOMMENDATION:**

That additional funds of up to \$60,000 be voted to the 2000/2001 Forward Estimates - account code 1.55.3305.16630.0 - to support the project.

J. W. Bourke (SGD)  
**General Manager**

Moved by Councillor Harcourt, seconded by Councillor Pooley:-

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

Carried.

**MINUTE BY THE GENERAL MANAGER**

13 December 2000

**COMMITTEES – LEGAL COMMITTEE –  
FORMATION AND REPRESENTATION (P55-00135)**

Since 1997, the Mayor, four Councillors, the General Manager, relevant Department Heads and representatives from Council's Solicitors, have held a number of Legal Committee meetings to discuss legal issues relating to Council and to provide information on questions raised at those meetings pertaining to Council, current court cases in the Land and Environment Court and general matters.

The meetings were of an Ad Hoc nature and called when the need arose. In order to properly formalise the formation and membership of the committee, approval is needed by Council.

The first Legal Committee meeting with the new Council was held on Monday, 11 December 2000, and all Councillors were invited to attend. The Mayor at that meeting moved, by agreement, that Legal Committee meetings be held on a quarterly basis and that the membership include all Councillors to enable them to be well informed on legal issues to assist them in their Councillor duties.

It is recommended that:-

- (1) the Legal Committee be formally approved by Council;

**GENERAL MANAGER**

- (2) the membership be the Mayor, all Councillors, representatives from Solicitors Pike, Pike and Fenwick or other Solicitor firms under contract of Council, the General Manager and relevant Department Heads;
- (3) the meetings be held on a quarterly basis or when the need arises.

J. W. Bourke (SGD)  
**General Manager**

Moved by Councillor Pooley, seconded by Councillor Harcourt:-

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

Carried.

At this stage and at 6.58 pm, it was moved by Councillor Harcourt, seconded by Councillor Lay:-

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the following matters as they dealt with Council's property matters and other issues:

- (1) **ADMINISTRATION – MANAGEMENT – SPROATS INQUIRY SUBMISSION (2023447)**
- (2) **BELMONT STREET, NO.325, ALEXANDRIA - ERECTION OF ROLLER SHUTTER DOOR - DEVELOPMENT APPLICATION**
- (3) **IRIS STREET, NO.43, PADDINGTON - ADDITION OF THIRD STOREY TO RESIDENTIAL TERRACE - DEVELOPMENT APPLICATION**
- (4) **OXFORD STREET, NO.263, DARLINGHURST - RESTRICTED PREMISES - DEVELOPMENT APPLICATION**
- (5) **PROPERTIES – BROADWAY, NOS. 147 – 169, ULTIMO, AND OWEN STREET, NO. 3, ULTIMO – PROPOSED RE-DEVELOPMENT (P56-00048)**
- (6) **BROADWAY, NOS. 147 – 179, MOUNTAIN STREET, NOS. 46 – 52, AND OWEN STREET, NO. 3, ULTIMO – PROPOSED DEMOLITION AND PARTIAL DEMOLITION – DEVELOPMENT APPLICATION (U00-01188)**

Carried.

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

**GENERAL MANAGER**

The Mayor and Councillors Bush, Furness, Harcourt, Lay, Lennon, Mallard, Pooley and Shaw.

At 7.44 pm the Council Meeting resumed.

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

The Supervising Committee Clerk read out the following recommendations, namely, in respect of the following matters:-

## **MINUTE BY THE GENERAL MANAGER**

12 December 2000

### **(1) ADMINISTRATION – MANAGEMENT – SPROATS INQUIRY SUBMISSION (2023447)**

A minute by the General Manager dated 12 December 2000, was circulated to all Councillors prior to the Council Meeting.

The Minister for Local Government announced on 11 October 2000 an Inquiry into “the structure of local government in eight council areas in the inner city and eastern suburbs”.

#### **Background**

The Minister claimed that the Government had received numerous requests and petitions from councils and residents to examine this issue. The Barnett Inquiry into the structure of local government in the region had occurred over 25 years ago. The Minister believes that the review is both timely and appropriate and announced the appointment of Professor Kevin Sproats as the Commissioner.

#### **Terms of Reference**

The Terms of Reference for this Inquiry are, briefly:

- To evaluate the structure of 8 nominated local government areas
- To report whether current structures deliver services efficiently
- To recommend changes if current structures found defective
- To take account of any relevant factors referred to in s 263(3) of Act

Importantly, the Minister said:

- The Inquiry will have a broad focus, including structural issues and the delivery of services, NOT JUST COUNCIL BOUNDARIES

**GENERAL MANAGER**

- Submissions will be called for (closing 18 December) and public hearings will be held later
- Commissioner to consider the effect of minor and MAJOR BOUNDARY adjustments, AMALGAMATIONS, creation of new bodies (council or non-council) for specific purpose. Any proposals on hand can be included in deliberations
- Commissioner to take account of requirements of legislation contained at 263(3) of the Local Government Act
- Public submissions are to indicate whether an oral presentation at the public hearing is sought
- Those desiring to make oral submissions at the public hearing only to advise the Commissioner by 18 December 2000

While South Sydney City Council has a good record, and much evidence to indicate it is structured well to deliver efficiently and effectively services to its unique community, that alone is insufficient reason to convince the Commissioner not to recommend a more drastic remedy. This is particularly true where other bordering councils envy our structure, management or rate-base.

The survival of one council and its area and community over the survival of another is likely to be based more on comparative efficiencies, strongly argued logic and some rationalising boundary options presented.

Council's submission to the Inquiry accompanied the minute.

#### **RECOMMENDATION:**

That arising from the report of the General Manager dated 12 December 2000:-

- (i) Council adopt the submission accompanying the General Manager's Minute.
- (ii) The submission be forwarded to Commissioner Sproats.
- (iii) The submission be placed on Council's website.
- (iv) Council inform Commissioner Sproats that it desires to speak to the submission That prior to any written report, proper consultation with all Council's Directors be held.

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

## MINUTE BY THE GENERAL MANAGER

7 December 2000

### **COUNCIL – MOTION TO BRING FORWARD BUSINESS WHEN DUE NOTICE HAS NOT BEEN GIVEN (U00-00920, U99-01402, U00-00874)**

At the Extraordinary Meeting of Council on 6<sup>th</sup> December, 2000 consideration was given to following three rescission motions relating to:-

#### **(2) BELMONT STREET, NO.325, ALEXANDRIA - ERECTION OF ROLLER SHUTTER DOOR - DEVELOPMENT APPLICATION**

After the rescission motion for No.(1) above had been dealt with by Council, Councillor Mallard moved that permission be granted to bring forward business for which due notice had not been given.

Councillor Lay indicated that the items listed on the Council Business Paper must be dealt with before any other business can be brought forward and that Councillor Mallard's motion was out of order.

Following advice from me the Mayor ruled that the motion could be dealt with at that stage of the meeting and ruled that the motion was in order.

I have sought clarification on the ruling after the Council meeting and found that Clause (14) of the Local Government (Meetings) Regulations, 1993, allows for a motion to be moved to bring forward business when due notice had not been given, at any stage during an Ordinary Meeting of Council.

I also found that Clause (15) of the Local Government (Meetings) Regulations, 1993, provides that business can be brought forward at an Extraordinary Meeting of Council when due notice had not been given but such motion can only be moved after the business notified in the Agenda had been disposed of.

It must be noted that Councillor Mallard also moved a motion to bring forward business for which due notice had not been given, after rescission motion No.2 had been dealt with. This motion was also ruled to be in order.

In view of the incorrect advice I gave the Mayor at the Council meeting, I consider that the two motions moved by Councillor Mallard should be reconsidered by Council and dealt with in the proper way.

The motions moved by Councillor Mallard are attached and are submitted for consideration.

Following the meeting of the Committee of the Whole, it was moved by Councillor Mallard, seconded by Councillor Bush, that the matter be approved as recommended

**GENERAL MANAGER**

in Councillor Mallard's undermentioned Motion attached to the General Manager's minute dated 7 December 2000, and which was circulated to all Councillors, namely:-

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 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

**GENERAL MANAGER**

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;
- (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;

**GENERAL MANAGER**

- (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

**GENERAL MANAGER**

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.

Motion lost 5 votes to 4 on a show of hands.

The Mayor then ruled that the previous resolution of 8 November 2000, now stands.

### **MINUTE BY THE GENERAL MANAGER**

7 December 2000

#### **COUNCIL – MOTION TO BRING FORWARD BUSINESS WHEN DUE NOTICE HAS NOT BEEN GIVEN (U00-00920, U99-01402, U00-00874)**

At the Extraordinary Meeting of Council on 6<sup>th</sup> December, 2000 consideration was given to following three rescission motions relating to:-

#### **(3) IRIS STREET, NO.43, PADDINGTON - ADDITION OF THIRD STOREY TO RESIDENTIAL TERRACE - DEVELOPMENT APPLICATION**

After the rescission motion for No.(1) above had been dealt with by Council, Councillor Mallard moved that permission be granted to bring forward business for which due notice had not been given.

Councillor Lay indicated that the items listed on the Council Business Paper must be dealt with before any other business can be brought forward and that Councillor Mallard's motion was out of order.

Following advice from me the Mayor ruled that the motion could be dealt with at that stage of the meeting and ruled that the motion was in order.

I have sought clarification on the ruling after the Council meeting and found that Clause (14) of the Local Government (Meetings) Regulations, 1993, allows for a motion to be moved to bring forward business when due notice had not been given, at any stage during an Ordinary Meeting of Council.

I also found that Clause (15) of the Local Government (Meetings) Regulations, 1993, provides that business can be brought forward at an Extraordinary Meeting of Council when due notice had not been given but such motion can only be moved after the business notified in the Agenda had been disposed of.

**GENERAL MANAGER**

It must be noted that Councillor Mallard also moved a motion to bring forward business for which due notice had not been given, after rescission motion No.2 had been dealt with. This motion was also ruled to be in order.

In view of the incorrect advice I gave the Mayor at the Council meeting, I consider that the two motions moved by Councillor Mallard should be reconsidered by Council and dealt with in the proper way.

The motions moved by Councillor Mallard are attached and are submitted for consideration.

Rescission Motion carried.

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

Councillors Harcourt, Lay, Pooley and Shaw requested that their names be recorded as voting against the foregoing motion.

#### **MINUTE BY THE GENERAL MANAGER**

8 December 2000

#### **(4) DEVELOPMENT APPLICATION – OXFORD STREET, NO. 263, DARLINGHURST – RESTRICTED PREMISES – DEVELOPMENT APPLICATION (U00-00874)**

Council on 6<sup>th</sup> December 2000, rescinded the development application recommended for refusal in respect of premises No.263 Oxford Street, Darlington.

Council also decided that having regard to Council's Sex Industry Policy, further consideration of the matter be deferred and be referred to the Council meeting on 13<sup>th</sup> December, 2000, for consideration.

A copy of the development application report of the Director of Planning and Building dated 17<sup>th</sup> November, 2000 is attached.

**GENERAL MANAGER**

**Planning and Building Department**

**MINUTE PAPER**

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**Reference:** U00-00874/LMJ/MIB/114823

**Subject:** OXFORD STREET, NO. 263 – USE OF EXISTING BUILDING FOR THE PURPOSE OF A RESTRICTED PREMISES – (DA U00-00874).

**Date:** 17 November, 2000

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**PLANNING AND DEVELOPMENT COMMITTEE**

**Name of applicant:**

Kim Burrell  
Burrell Threlfo Pagan P/L  
48 Victoria Road,  
Rozelle NSW 2039

With the authority of the owner Allan Ian Boolkin

**Date of receipt of application:**

28 July 2000

**Description of premises and present use:**

The site contains a four storey commercial building. The basement and ground floor levels are vacant and levels 1 and 2 contain commercial uses.

**Proposed development:**

Use the basement and ground floor for the purpose of a restricted premises.

**Other Local Government Act Approvals sought:**

No

**Classification of the proposal under the BCA:**

Class 6

**Zoning/Statutory Controls:**

South Sydney Local Environmental Plan 1998  
Zone Business 3

**GENERAL MANAGER**

## Conservation Area

### REPORT

#### 1. Site & Surrounding Area

The subject site is located on the southern side of Oxford Street near the intersection of Oxford, South Dowling, and Victoria Streets and Barcom Avenue, Darlinghurst.

The site has an area of approximately 139m<sup>2</sup> and is an irregular shaped allotment bounded by Oxford Street to the north, Sturt Street to the south, the Beauchamp Hotel to the east and a chemist followed by a Medical centre to the west. The Sacred Heart Church, the Albury Hotel and St Vincent's Private Hospital are all located to the north of the site. Whilst the Oxford Street strip consists primarily of commercial activities, Sturt Street consists mainly of residential development with some commercial activity.

The site contains a four storey building (one level is the basement) of which the ground and basement levels are currently vacant. The first floor contains a dating agency and the second floor has a leather workshop which manufactures products for "Carnal Leather". Vehicular access is available to the site off Sturt Street via a steep grade to a garage at the basement level.

#### 2. Proposal in detail

The proposed development seeks Council's consent for use of the existing premises for the retail of lingerie and adult products including lingerie, massage oils & lotions, publications, latex and leather wear, video and DVD, vibrators and marital toys.

The ground floor is proposed to be used for the retail of the above products and the basement is proposed to be used for the storage of the products, restricted and most explicit items would be positioned towards the rear of the premises in a separate section not visible from the main front section, only lingerie is to be exhibited in the front window,

Three employees are proposed for the development and the hours of operation proposed are 9.00am to 10.00pm – Sunday to Thursday, and, 9.00am to 12.00am Friday and Saturday. There is vehicle access to a loading area at the rear of the site at basement level. There is to be no sex on the premises.

#### 3. South Sydney Local Environmental Plan 1998

##### 3.1 Zoning

The site is zoned 3 business under South Sydney LEP 1998 (as amended).

The proposal is permissible with Council consent.

### 3.2 Clause 47

The proposed development is subject to the provisions of Clause 47 "Restricted Premises" which requires that Council can consent to a restricted premises only when conditions are imposed requiring that:

- (a) no part of the premises, other than within 1500mm (measured vertically) from any adjoining footpath, roadway, arcade or other public thoroughfare,
- (b) no part of the restricted premises or building in which the premises will be situated will be used as a dwelling unless separate access will be available to the dwelling,
- (c) any signage for the premises will be of a size, shape and content that does not interfere with the amenity of the locality, and
- (d) no other objects, products or goods related to the restricted premises will be visible from outside the premises.

The applicant has submitted an SEPP1 objection to Clause 47 (a) which the development does not comply with. The proposal complies with parts (b) and (c) of Clause 47.

The grounds of the SEPP 1 objection are, in summary:

- (1) Council has a draft amendment to the LEP which will enable ground floor restricted premises subject to the following:

" no part of the premises, other than an access corridor, will be located within a shop front or otherwise visible at street level from an adjoining footpath, roadway, arcade or other public thoroughfare.",

The intent of the control is ensure that these premises are discretely located whilst providing disabled access (by being at ground floor).

- (2) The controls for Clause 47(a) are directed at new restricted premises within Kings Cross and Oxford Street, areas which have many restricted premises that have been operating for considerable time with little control. Sexually explicit materials are often displayed in shopfronts. The displays in these stores can be offensive,
- (3) The proposed development will not display offensive material in the shopfront. The floor layout and display is comparable to many Sydney lingerie stores and should not cause offence,
- (4) There is no exposure of restricted products in the public domain as adult products will be situated behind the partition wall separating the retail area at the rear from the retail area at the front. A restricted access sign on the partition wall will be visible and will provide reasonable public warning,

- (5) The restricted access sign will be easily visible from inside the store so that shoppers who are inside the entrance but do not wish to enter a restricted premises will easily see the warning sign at the entrance,
- (6) Subclauses (b), (c), and (d) of clause 47 are complied with,
- (7) The proposal is compatible with the locality, which is characterised by a diversity of shopping opportunities.
- (8) The proposal is not out of place.

With respect to the points raised in the SEPP1 above, the following comments are made:

- Council has a draft amendment which will allow restricted premises, like the one proposed, to be located at ground level. It is considered that the proposed development satisfies this draft.
- There are many existing premises in Oxford Street and Kings Cross which operate outside of the provisions of the sex industry policy as they have existing use rights or are operating without consent. Sexually explicit (possibly offensive) material is occasionally shown in some (possibly illegal) shopfronts. The sex industry policy is designed to provide an avenue to control this.
- The issues raised in points (3), (4), (5), and (6) are agreed.
- The locality has a diversity of commercial uses and provided that the shop is run sensitively and in accordance with the plan of management, it is considered that it will be compatible with surrounding uses,

It is considered that the reasons given in the SEPP1 objection to justify the variation to the standard are reasonable and the application should be supported on its merits.

In relation to clause 47 (d), the proposal does not strictly comply in that lingerie will be visible from the outside the premises. Whilst this is the case, it is considered that lingerie is not visually offensive and is an item which is frequently exhibited in the shopfront windows of retail clothing stores. Explicit products will not be visible from the shopfront and a partition wall separates the lingerie on view in the shopfront from the other products sold within the store.

### **3.3 Heritage**

The site is located within a conservation area. The development application was referred to Council's heritage planner who raised no objections to the proposed development.

#### **4. History**

A development application (DA U96-00776) to erect a rooftop advertising structure was refused on 11 December 1996. There is no record of any other development applications for the site.

#### **5. DEVELOPMENT CONTROL PLAN 1997**

##### **5.1 Floor Space Ratio and Height**

The proposed development occupies the basement and ground floors of the existing building and will not result in any increase in FSR or height.

##### **5.2 Residential Amenity**

This is discussed further below.

##### **5.3 Parking & Access**

The proposed development will not incorporate any new carparking. There is currently one combined loading/parking space. The proposed development utilises an existing building, is located close to major bus routes, and will employ three people within a relatively small floor area. The proposed level of carparking is considered appropriate.

##### **5.4 Signage**

The subject development requires a variety of signs which will be submitted to Council for assessment by way of a separate development application after this application has been considered. This is reinforced by proposed conditions.

#### **6. SEX INDUSTRY POLICY**

The proposed development is required to comply with the provisions of Council's Sex Industry Policy. An assessment of the application in accordance with the policy follows.

##### **6.1 Cumulative impact**

In accordance with the policy, the proposed development is not located within a 75m radius of the closest sex industry premises (as shown on the map following the notification map). The closest sex industry premises to the proposal is Bodyline – a gay mens sauna and recreation club which is located on Taylor Street near the intersection of Taylor and Flinders Streets and more than 75 metres away.

## 6.2 Location

Sex industry premises are not to be located next to, or directly opposite, schools, churches, parks, playgrounds or child minding facilities and any other place frequented by children. The Sacred Heart Church and St Vincent's private hospital are located opposite the subject site however neither of these sites gain pedestrian or vehicle access off Oxford Street. The Church is accessed from Darlinghurst Road and/or Victoria Street whilst St Vincent's Hospital is accessed further to the north off Victoria Street. It is considered that the proposed development is located a satisfactory distance from the entrances to the Church and the Hospital and the proposed use will not adversely affect those using the church or the hospital.

Consideration should also be given to other places in the neighbourhood including residences and licensed premises. Directly to the east of the site lies the Beauchamp Hotel and there are residences to the rear of the site on Sturt Street.

Access to the proposed sex industry premises by the public could be off either Oxford Street to the north or Sturt Street to the rear. It is considered that the Oxford Street entrance is the most appropriate entrance for the site as Oxford Street is an existing active commercial strip. The southern side of Sturt Street is predominantly residential and it is not considered appropriate to have an entrance to the site from this street.

The proposal does not involve explicit visual pornography such as peep shows, video booths, etc, nor does it involve prostitution or sex on premises. The management plan proposes several courses of action to ensure that the amenity of the area is maintained, such as; access is not being permitted to under 18s, controlling anti-social behaviour (by refusing entrance to intoxicated customers), ensuring that no drugs are being used, sold or supplied at the premises, and providing for regular cleaning and maintenance of the site. The hours of operation are also limited to between 9am and 10pm Sunday to Thursday, 9am and 12am (midnight) Friday and Saturday.

It is considered that whilst the proposed development is located close to residences and a hotel, adequate measures are being incorporated to ensure that the proposed development will have a minimal impact upon the community and surrounding area.

The proposed development is located close to South Dowling Street in an area generally devoid of any sex industry premises. Whilst this is the case, the proposed development will not be a catalyst for a creep in sex industry premises from the well established western end of Oxford Street (beyond Taylor Square), due to the 75m rule set out in the Sex Industry Policy

### **6.3 Amenity**

Under the sex industry policy, the proposed development should not cause a disturbance or offence in the neighbourhood because of its scale and operating hours.

The proposed development is unlikely to cause undue noise over and above any retail outlet. A condition of consent could be imposed to ensure that any possible noise emanating from the development is kept to a minimum.

It is unlikely that adjoining premises would be disturbed by customers attempting to find the premises as the surrounding uses are distinctly recognisable uses, being a hotel, chemist, health care centre, and real estate agency.

The proposal involves presenting only lingerie in the front window and does not include indiscreet advertising or indiscrete operations. The restricted area will be clearly marked with a sign and will be separate and not visible from the front lingerie area. It is not uncommon for lingerie retail outlets to exhibit their product in full view of the public. Further, it is not considered that exhibiting lingerie in a shopfront is unacceptable to the public. For these reasons it is considered an acceptable proposal to have lingerie only exhibited in the front exhibition area. A condition of consent is recommended to reinforce this requirements.

### **6.4 Waste Disposal**

The proposed development would not generate significant levels of waste over and above normal clothing retail outlets. It is to have garbage removed by a waste service provider. Conditions can be imposed with respect to removal of waste. There will be no hazardous or offensive waste as a result of the proposed development.

### **6.5 Design of Premises**

As discussed previously, the proposal is to use the existing tenancy with partitions and signs effectively creating two separate shops.

The existing building is compatible with surrounding built forms.

### **6.6 Surveillance**

The development is designed to enable surveillance of all areas by the proposed three employees. One employee would be required to be in each retail area at all times.

### **6.7 External Display**

The proposed development does not propose any external display potentially offensive of products.

**GENERAL MANAGER**

## **6.8 Plan of Management**

A plan of management has been submitted with the proposal detailing the proposed management practice. The management plan looks at the following issues; hours of operation, safe sex assurance (ie. there is to be no sex on the premises), restricted access (ie. customers under 18 are refused entry), anti-social behaviour, illegal activities, emergency access, security and presentation and maintenance of the premises.

## **7. SEX INDUSTRY LIAISON OFFICER (SILO).**

The proposed development was referred to Council's SILO who concluded the following:

"The proposal generally does not comply with the Sex Industry Policy or LEP 1998, and therefore it is not recommended for development consent".

The SILO's comments and reasons for refusal are based around the proposals non-compliance with the numeric standards set out in Clause 47 and the requirements of the sex industry policy with respect to the location of the proposal in relation to schools, hospitals, hotels, etc. It has been discussed above that based on the merits of the proposal it is reasonable to vary these requirements under SEPP1 the, therefore, the proposal is considered acceptable.

## **8. NOTIFICATION**

The application was notified to 141 adjoining owners and occupiers by letter dated 15 August, 2000. The proposal received no submissions, however, all restricted premises are required to be considered by the Planning and Development Committee.

## **9. Conclusion**

The proposal has been assessed pursuant to Section 79C of the Environmental Planning and Assessment Act and Regulations and is considered for approval subject to conditions set out in the recommendation below.

### **RECOMMENDATION:**

- (A) That Council resolve to support the objection submitted pursuant to SEPP1 in relation to the 1500mm vertical separation standard in clause 47 of LEP 1998 on the grounds that the proposal satisfies the objective of this standard by other means and the compliance with the standard is therefore unreasonable and unnecessary.
- (B) That the Council grants its consent under the Environment Planning and Assessment Act, 1979, to the development application submitted by Kim

**GENERAL MANAGER**

Burrell Threlfo, Pagan Pty Ltd, with the authority of the owner Allan Boolkin, to use an existing commercial premises for the purpose of a restricted premises, subject to the following conditions:

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$100, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development shall be generally in accordance with plans numbered D207-1 and D207-2, dated 15 July, 2000;
- (4) The development is to comply with the plan of management for the restricted premises dated 28 August, 2000;
- (5) No explicit items are to be made available from retail area 1;
- (6) The two retail areas are to be physically separated from each other via a door or walk around partition wall and the products sold from retail area 2 are not to be visible from retail area 1;
- (7) There is to be no sex or the playing of sexual video tapes at the site;
- (8) A sign is to be erected on the partition wall/door separating retail area 1 and 2 stating that access to persons under 18 years of age is prohibited, and warning that the area about to be entered contains restricted products;
- (9) Only Lingerie shall be exhibited in the shopfront window;
- (10) Pedestrian/public access to the site is to be via Oxford Street only;
- (11) That the hours of operation shall be restricted to between 9.00 a.m. and 10.00 p.m. Sunday to Thursday and 9.00 a.m. and 12.00 a.m. (midnight) Friday and Saturday;

**GENERAL MANAGER**

- (12) That the breakdown of demolition materials shall not occur on site except as necessary to remove the materials from the site;
- (13) That the use of the premises shall not give rise to:-
- (a) transmission of 'offensive noise' to any place of different occupancy, or
  - (b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10,15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.
  - (c) a sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Environmental Noise Control Manual; or, A sound pressure level at any affected premises that exceeds the NSW, EPA recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises (NSW, EPA Draft Stationary Noise Source Policy).

#### 7028A - Noise from Licensed Premises (Amplified Music)

That the LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

That the LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

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

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

- (14) 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:
- all required mechanical ventilation systems;
- (15) 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;
- (16) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (17) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (18) 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;
- (19) 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;
- (20) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (21) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
- (22) That all proposed work shall be wholly within the boundaries of the site;

- (23) 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;
- (24) That all relevant sections of the BCA shall be complied with;
- (25) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (26) That an automatic sprinkler installation complying with the requirements of AS2118 and E1.5 of the BCA shall be installed throughout the building;
- (27) 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;
- (28) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (29) That directional signs where necessary shall be provided in accordance with the requirements of NSW E4.6, E4.8 of the BCA and AS2293.1;
- (30) 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;
- (31) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (32) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval.

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.

**GENERAL MANAGER**

- (C) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Kim Burrell, Burrell Threlfo, Pagan Pty Ltd, with the authority of the owner Allan Boolkin, to use an existing commercial premises for the purpose of a restricted premises.

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

Carried.

The Mayor and Councillor Mallard requested that their names be recorded as voting against the foregoing motion.

At this stage the Supervising Committee Clerk read out the recommendation in respect of Item No. 15 on the Finance Committee Paper and Item No. 18 on the Planning and Development Committee Paper

#### **MINUTE BY THE ACTING DIRECTOR OF CORPORATE SERVICES**

12 December 2000

#### **(5) PROPERTIES – BROADWAY, NOS. 147 – 169, ULTIMO, AND OWEN STREET, NO. 3, ULTIMO – PROPOSED RE-DEVELOPMENT (P56-00048)**

- (a) Comment by the Homelessness, Marginal and Affordable Housing Committee. At that meeting, the representative of Statewide Mutual stated that in relation to 147 to 151 and 159 Broadway where the squatters are in occupation, Council is not insured for damage or public liability.

Secondly, it was resolved that a Sub-Committee be established to look at the particular "Leasing" of 147-151 and 159 Broadway. The first meeting of this Sub-Committee is Monday 18<sup>th</sup> December 2000 at 2:00pm.

- (b) Clarification of the correspondence tabled at the meeting.

Officers of Australand we have spoken to have stated that vacant possession is required. However, we have not been able to speak to the author of the letter tabled to the Finance Committee.

- (c) Legal opinion to be sought in relation to Item 2 of the recommendation. This item has been rewritten to state the Australand may not assign without the prior written approval of Council.
- (d) Accordingly, I now recommend that Council adopt the following:

**GENERAL MANAGER**

- (1) The licence may be terminated by either party giving to the other party two (2) weeks notice in writing.
- (2) The licence will commence when the Development Application for the demolition is granted.
- (3) The licence will terminate when the land is sold.
- (4) Insurances and the like will be as per the Licence drafted by Abbott Tout.
- (5) The General Manager have the authority to sign the Licence on behalf of Council.
- (6) That no part of the licence will obstruct negotiations between Australand and Council.

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

### **MINUTE BY THE DIRECTOR OF PLANNING AND BUILDING**

13 December 2000

#### **(6) BROADWAY, NOS. 147 – 179, MOUNTAIN STREET, NOS. 46 – 52, AND OWEN STREET, NO. 3, ULTIMO – PROPOSED DEMOLITION AND PARTIAL DEMOLITION – DEVELOPMENT APPLICATION (U00-01188)**

This matter was subject of a report prepared by Council's Consultant Planners Angelini Planning Services, at the Planning & Development Committee meeting of Council held on 6 December, 2000.

The DA was deferred without recommendation to the meeting of the full Council and subject to further information being supplied.

The report prepared by Angelini Planning Services (copy attached to this file) outlines a consent recommended for deferred commencement and issues relating to separating various components of the consent into aspects of demolition which would occur immediately following consent and those which would require a significant amount of additional information to be submitted.

Council has received legal advice which cautions the use of consenting to immediate actions which can occur within a consent that is issued under Section 80(3) of the Act. The deferred commencement aspect of such a consent governs all aspects of the consent, not individual components of it.

Given this legal advice, it is open to Council as an alternative option to grant consent to the application, but subject to matters raised in recommended conditions 2 (a) - (g) forming part of the consent and requiring additional information insofar as it relates to the buildings known as 147-171 Broadway. This has been carefully worded and attached to this report. Council may chose to give consideration to this recommendation. It includes an additional condition

**GENERAL MANAGER**

requiring that 4 weeks notice be given to occupants, prior to any demolition taking place.

The applicant, Australand Holdings Limited, have also prepared a submission which outlines, in respect of the weather-proofing of the Willcox Mofflin building, that:-

"It is proposed to remove the existing roofing sheeting and utilise the existing roof trusses as a support for a temporary tarpaulin weatherproofing.

Then progressively install the new roof truss system and permanent sheeting whilst maintaining a weatherproof roof."

The alternative recommended development consent enclosed raises no issue in respect of the first point outlined by Australand. However, the second point raised appears to be pre-empting approval for the redevelopment of the site. Such additional works cannot be encompassed by this application, as they involve (albeit, partial) new works relating to a separate development application.

Accordingly, the two options available to Council, should it be of the view that the development application be approved, are to either issue such consent under the terms of Section 80(3), whereby the entire consent is deferred in which case Council should adopt the recommendation in the Angelini Planning Services report dated 30 November, 2000 with the following additional condition:

*"26. That four weeks notice shall be given to occupants of the date upon which demolition is to commence."*

or an approval under Section 80(1) of the Act in the following terms.

#### **RECOMMENDATION:**

- (A) That the Council, as the consent authority, grants consent pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979 to the development application (DA 1188-00) submitted by Australand, with the authority of South Sydney Council, for permission to demolish and partially demolish building structures within the site bounded by Broadway, Mountain Street, Smail Lane and Blackwattle Lane, subject to the following conditions:
- (1) That the development shall be generally in accordance with drawings numbered DEM-01 and DEM-02 (Revision A – Issue for Demolition), dated 25 October 2000 prepared by Michael Lockley and Associates, Consulting Surveyors and Planners;
  - (2) That in respect of development which affects properties at Nos. 147-171 Broadway, no demolition shall occur until such time as the following information is submitted to Council:
    - (a) A detailed schedule of internal and external heritage fabric within the buildings shall be prepared and submitted to Council's Heritage Planner.

**GENERAL MANAGER**

- (b) A schedule identifying fabric to be retained, modified, reincorporated on site and removed from site shall be prepared and submitted to the Council's Heritage Planner. This is to be generally consistent with the conservation policies outlined in the report prepared by Robert Stass of Noel Bell Ridley Smith and Partners entitled "Broadway/Mountain Street Redevelopment Site Heritage Assessment and Policies".
  - (c) An archival record of all the buildings is to be prepared in accordance with the NSW Heritage Office Guidelines. The record is to include measured drawings and photographs and is to be submitted to the Council's Heritage Planner.
  - (d) A structural engineering report shall be prepared and submitted by a suitably qualified engineer experienced in dealing with heritage buildings to verify that the proposed demolition works will not compromise the structural integrity of the buildings.
  - (e) An archaeological assessment of the site is to be carried out in accordance with the NSW Heritage Office Guidelines and submitted to Council's Heritage Planner.
  - (f) Details of weather proofing measures to be employed in association with the demolition works shall be submitted to Council.
  - (g) A demolition statement shall be prepared and arrangements for the auditing of the statement and temporary bracing details are to be submitted to Council's.
- (3) That appropriate weather proofing measures be employed in association with the demolition works to occur in respect of the roof of the Willcox Mofflin building at 46-52 Mountain Street, Ultimo. Such measures shall include superior strength tarpaulins to cover the entire roof area, attached to the building in a safe and secure manner;
  - (4) This approval does not relate to the demolition of so much of the roofs of the buildings comprising 147-171 Broadway which are directly above building sections which are not identified for demolition;
  - (5) Areas not subject to the demolition works (including roofs referred to in Condition 4) are to be maintained intact. No structural or non-structural demolition or strip out of the interiors of the building sections not being demolished is to be carried out. A separate development application for the use and fit out of these buildings is to be lodged;
  - (6) The partial demolition of the heritage buildings is to be under the supervision of a suitably qualified and experienced heritage practitioner;

- (7) A structural engineering report shall be prepared and submitted by a suitably qualified engineer experienced in dealing with heritage buildings to verify that the proposed partial demolition works (in respect of the Willcox Mofflin building) would not compromise the structural integrity of the buildings;
- (8) That all demolition shall be supervised and certified by a certified practising structural engineer;
- (9) That all vehicles must enter and exit the driveway in a forward direction at all times. All vehicles servicing the site shall be able to access and manoeuvre wholly within the site and not encroach upon public roads;
- (10) That the applicant shall provide a demolition sequence plan;
- (11) That the applicant shall provide a drainage disposal plan so that only clean and unpolluted water shall be permitted to discharge from the subject site into Council's stormwater drainage system, in accordance with Council's requirements;
- (12) That approval is granted for the removal of the seven mature Brush box trees (*Lophostemon confertus*) and one mature nettle tree (*Celtis occidentalis*);
- (13) That the applicant shall ensure that the four remaining Plane trees in Mountain Street are to be retained;
- (14) That the applicant shall ensure that all the tree protection methods are installed to protect the trees to be retained;
- (15) That the applicant shall ensure that the excavation near the trees to be retained requires hand methods to locate, expose and cleanly remove the roots on the line of excavation. This work is to be carried out by a qualified arborist;
- (16) That all asbestos fibre demolition material and asbestos dust shall be handled and removed in accordance with the Occupational Health and Safety (Asbestos Dust) Regulation, 1984;
- (17) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1980.00 in the form of cash or non-expiry bank guarantee being the building damage deposit for the public way. The 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;
- (18) That four weeks notice shall be given to occupants and Council of the date when access for preparation for demolition is to commence;

**GENERAL MANAGER**

and the following standard conditions:

- (19) Builders Hoarding Permit<sup>1008</sup>
- (20) Cost of Signposting<sup>3026</sup>
- (21) Consequential Roadworks<sup>3027</sup>
- (22) Obstruction of Public Way<sup>3029</sup>
- (23) Delivery of Construction Materials<sup>3032</sup>
- (24) Stormwater Standard<sup>4001</sup>
- (25) Garbage on Public Way<sup>6001</sup>
- (26) Refuse Skips<sup>6002</sup>
- (27) Works Within Boundary<sup>9152</sup>
- (28) Work on Public Way<sup>9154</sup>
- (29) Comply With BCA<sup>9104</sup>  
(where partial demolition is proposed)
- (30) Construction Certificate Required<sup>9155</sup>  
(where partial demolition is proposed)
- (31) Construction Hours<sup>9151</sup>
- (32) Works Within Boundary<sup>9152</sup>
- (33) Building/Demolition Noise Control<sup>9156</sup>
- (34) Maintain Existing Building in a Stable Condition<sup>9157</sup>
- (35) Excavations and Backfilling<sup>9160</sup>
- (36) Excavations and Backfilling Safely<sup>9161</sup>
- (37) Guarding of Excavations<sup>9162</sup>
- (38) Demolition to Comply With Aust Standard<sup>9163</sup>
- (39) Comply With the WorkCover Authority<sup>9105</sup>
- (40) Work on Public Way<sup>9154</sup>
- (41) Hours of Work and Use of Cranes<sup>9153</sup>
- (42) Breakdown of materials on site<sup>7001</sup>

(43) Construction Noise<sup>7008</sup>

**Note:** That the applicant may be liable to prosecution under the Local Government Act 1993 for breach of an approved condition, or under the Clean Waters Act of 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 subcontractors 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.

**Note:** That the applicant is to be advised that this application has not been assessed for compliance with the Building Code of Australia or Local Government (Approvals) Regulation.

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 affects relating to the emission of noise and vibration, privacy loss, 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.

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

### QUESTIONS WITHOUT NOTICE

1.

**PARKS – MARY O'BRIEN RESERVE – REMOVAL OF TWO TREES WITHOUT NOTIFICATION - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2019785)**

**Question:**

A number of residents, including the President of ZCAG, approached me at the Zetland Community Christmas Party last Saturday to express their anger and frustration at Council's removal of two trees from the Mary O'Brien Reserve without notification or consultation. I understand that at least one of these trees was removed by mistake. ZCAG's president has apparently written to you Mr. Mayor, but I was requested to raise the issue and ask that Council please acknowledge its breach of policy.

**GENERAL MANAGER**

They have further requested that Council spend an amount, equivalent to the fines that would be incurred for two breaches, in the Zetland area on a suitable community development project.

If Council did breach the Tree Preservation Policy, I believe that this request should be met as a matter of good faith.

Could the Mayor and Director of Public Works and Services please review this incident and advise Councillors through the Councillors Information Service?

**Answer by the Mayor:**

I have already taken care of that matter and will have that information circulated in the Councillors Information Service.

At this stage and at 8.03 p.m. the Mayor vacated the Chair and requested that the Deputy Mayor answer any further Questions Without Notice.

2.

**STREETS – FILMING PROTOCOL - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2017178)**

**Question:**

Could a report be provided in the Councillors Information Service which outlines what steps have been taken by Council to deal with the Local Government Amendment (Filming) Act 2000, and in particular, how Council intends to deal with the Filming Protocol?

**Answer by the Deputy Mayor:**

That report can be prepared by the appropriate Council Officer for inclusion in the Councillors Information Service.

3.

**MANAGEMENT – MORLEY AVENUE, ROSEBERY, ROSEBERY PRECINCT – LOAD LIMITS FOR TRUCKS/VEHICLES – QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (T52-00116)**

**Question:**

Several residents of Morley Avenue, Rosebery area have contacted me expressing their concern at the number of large trucks driving through the area, including 22 wheelers. Council in more recent times changed some of the load limit signs in the area and it appears that truck drivers have taken this to mean that they can driver wherever. I have myself recently witnessed breaches as well as excessive speed by both truck and vehicles.

**GENERAL MANAGER**

Could the Traffic and Design Branch please investigate the area with a view to reintroducing the load limits and also include this area with the requests for enforcement raised by Councillor Furness?

**Answer by the Deputy Mayor:**

I am sure there would be no problem to direct this matter to the Traffic and Design Branch.

4.

**COMMUNITY SERVICES – SOCIAL PLAN – TO PROVIDE COST AND TIME ALLOCATED FOR CONSULTANT AND STAFF TO PRODUCE - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2021393)**

**Question:**

Could I please be provided with the total cost for the development of the Social Plan and the time allocated for the Consultant and staff to produce it?

Further, could a summary document outlying the community and agency consultation that took place to develop the document and what steps, beyond general advertising, will be taken to see comment on the Plan?

**Answer by the Deputy Mayor:**

I need to refer that to the Mayor, but there should be no problem providing that information.

5.

**STREETS – ROADWORKS – RESURFACING OF DIBBS LANE, ALEXANDRIA - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (S56-00626)**

**Question:**

Could I please be advised as to when work will recommence in Dibbs Lane, Alexandria? Apparently work stopped on resurfacing the lane about six weeks ago because of rain, according to residents.

**Answer by the Deputy Mayor:**

I will refer that matter to the Director of Public Works and Services for a response in the Councillors Information Service.

6.

**ADMINISTRATION – DEPARTMENTS – THANK-YOU FOR ASSISTANCE TO STAFF FROM COUNCILLORS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2011758)**

**Question:**

I would like to have recorded my thanks to all the staff, from all Departments, who in one way or another have assisted me in the carrying out of my duties. I would like to particularly thank the staff of the Secretariat and Norm Cook for responding to requests and providing invaluable assistance throughout the year.

**Answer by the Deputy Mayor:**

I am sure all Councillors share those views, even the Councillors who have only experienced those mentioned for six months, I will ask that the message of thanks be passed on by the General Manager.

7.

**TRAFFIC – MANAGEMENT – POTTS POINT, BROUGHAM STREET RESIDENTS – RE GATES FOR LANEWAY - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2005916)**

**Question:**

The residents of Brougham Street, Woolloomooloo/Potts Point would like gates put on the Lane that is behind Hourigan Lane. Could the Council Officers do this?

**Answer by the Deputy Mayor:**

I will ask that a report be prepared for Committee.

8.

**MOORE PARK – UPGRADING – RE MOORE PARK WEST REFERENCE GROUP - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (P52-00080)**

**Question:**

My question is to Councillor Harcourt. The Council recently in its wisdom appointed you to represent it on the Moore Park West Community Reference Group. I understand that the Committee has been meeting to examine the use of the golf course and whether an 18 hole golf course is needed, where there are more important needs for that space for the community. I

**GENERAL MANAGER**

understand that you have opposed that. Could you report to Council through the Councillors Information Service the actual outcomes of that Committee?

**Answer by the Deputy Mayor:**

Councillor Harcourt would you like to report on this to Councillor Mallard?

**Response by Councillor Harcourt:**

The only proposal with the golf course came from Peter Moore who is the husband of Clover Moore, Member of Bligh. He indicated that the public golf course which has been there 100 years should be removed entirely or cut down to a nine hole golf course or pushed into a corner, so the area can be used for headland, people to exercise their dogs and use as open space, but there was no support in the meeting for that suggestion and certainly I opposed it as it sounded like a really pretty preposterous suggestion. I will give you a written report when I get the minutes from the meeting.

9.

**MOORE PARK – UPGRADING – CENTENNIAL PARKLANDS TRANSPORT ACCESS AND PARKING STUDY - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (P52-00080)**

**Question:**

Today I attended a meeting representing the Mayor and Council of a focus group called Centennial Parklands Transport Access and parking Study. Centennial Park Trust is consulting with a community reference group. No residents from South Sydney Council community were there.

Could the Mayor nominate six capable residents from the area around Centennial Park to be members of this community reference group and also nominate any Councillors whose Ward boundary is around Centennial Park/Moore Park area?

**Answer by the Deputy Mayor:**

I will refer that matter to the Mayor for a response either directly to you or in the Councillors Information Service.

10.

**COMMITTEES – KINGS CROSS COMMUNITY DRUG ACTION TEAM PROJECT – CEDAC FOR SOUTH SYDNEY COUNCIL TO SUPPORT ACT - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2021971)**

**Question:**

I attended, representing the Mayor, the Launch of CEDAC Community Drug Action Team Project Drug Summit at Springfield Gardens. Can the Director of Health and Community Services contact CEDAC's Chairperson, former Councillor Sonia Fenton, and establish how South Sydney Council can support and assist the work of CEDAC in the Kings Cross area?

Further, there is a proposal to establish a CEDAC in the Redfern area. Can the Director also make contact with the N.S.W. Premier's Unit in regards to this project and see how South Sydney Council can support this Act?

**Answer by the Deputy Mayor:**

I will refer that to the Director of Health and Community Services.

11.

**RILEY STREET, NO. 127, DARLINGHURST – COMPLAINTS FROM RESIDENTS RE DEVELOPMENT APPLICATION 1228/2000 - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (U00-01228)**

**Question:**

I would like a report from the appropriate Officers in relation to Development Application 1228/2000, there are complaints from residents. Could I have a status of where the Development Application is and the Officers deal with the complaints of the residents?

**Answer by the Deputy Mayor:**

I will refer that matter to the Director of Planning and Building.

At this stage and at 8.10 p.m. the Mayor reoccupied the Chair.

12.

**PUBLIC RELATIONS – PADDINGTON PUBLIC SCHOOL – LETTER OF THANKS FOR INVITATION TO SCHOOL - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2023643)**

**Question:**

Can the Mayor write to the Principal of Paddington Public School thanking her and the school for their invitations to the School's Annual Speech Day, and congratulating the pupils and staff for an entertaining programme and congratulations to the school for a particularly successful year 2000?

**Answer by the Mayor:**

Yes, I will put a copy in the Councillors Information Service.

13.

**STRATEGY PLANS – SOUTH SYDNEY AREA – REPORT TO BE PROVIDED ON A SUSTAINABLE SOUTH SYDNEY - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2023519)**

**Question:**

Could a report be provided to Committee on the means by which objectives of Council's "Policy for Achieving a Sustainable South Sydney" could be assisted by adopting and implementing the recommendations of the "Report of the Institution of Engineers on a Sustainable Transport Policy"?

Further, could this report consider that consultants engaged to implement Council's "Sustainable South Sydney" policies be required to refer to compliance or otherwise with recommendations of the "Report of the Institution of Engineers on a Sustainable Transport Policy"?

**Answer by the Mayor:**

Yes.

14.

**PERSONNEL – APPOINTMENTS – GAY AND LESBIAN LIAISON OFFICER – POSITION VACANCY - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2020159)**

**Question:**

As the position of South Sydney Council's Gay and Lesbian Liaison Officer has now been vacated, could this position be filled as soon as possible by secondment of another member of staff from another area and further could you

**GENERAL MANAGER**

inform Council when a more permanent replacement will be sought for this position?

**Answer by the Mayor:**

I will have that matter reported in the Councillors Information Service by the Director of Health and Community Services.

15.

**DEVELOPMENT – REGENT STREET, NOS. 61 – 65, CHIPPENDALE (DAY CLUB) – NEGATIVE IMPACT ON RESIDENTS OF EAST CHIPPENDALE - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2020564)**

**Question:**

Mr. Mayor, a Development Application has been lodged with the City of Sydney for Nos. 61 – 65 Regent Street, Chippendale, just outside the boundaries of the City of South Sydney, but one which will have an enormous negative impact on the residential amenity of East Chippendale if the City of Sydney allows it to go through. The application is for a day club operating continuously from 10.00 a.m. Friday to 1.00 a.m. Monday catering for 830 patrons and being within 150 metres of the Blackmarket day club.

Could this Council request more information from the City of Sydney on this Development Application with the view of preparing our own Council's objections to it?

**Answer by the Mayor:**

I will have Mr. Harrison instruct the appropriate Officer to take action on the Development Application.

**Comment by Councillor Lay:**

Did the City of Sydney Council notify the affected residents in our area or have they advised us to notify them? I would like that clarified. Could we get that information?

**Answer by the Mayor:**

It is policy set within the law and when it is on a boundary with another Local Government authority, that Local Government authority must be informed of that Development Application to take into the order for processing of that Development Application to go through the other Local government area and I'm sure Mr. Harrison will ensure that the appropriate and legal references will be maintained on that.

16.

**SPORTS – SWIMMING – PRINCE ALFRED PARK POOL – FUTURE OF POOL – STATEMENT BY LORD MAYOR OF SYDNEY - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (S54-00057)**

**Question:**

Recent media reports have suggested that the Lord Mayor of Sydney, Councillor Sartor, intends to demolish the 50 metre pool in Prince Alfred Park and perhaps replace it with a 25 metre pool in another location in the park. Might this be an appropriate time for you to use your considerable influence with Councillor Sartor and suggest to him that if he is not prepared to transfer ownership of the park to South Sydney Council – then he at least commit to consult with the South Sydney Council residents, who are the primary users of the current facility, prior to him making any changes.

**Answer by the Mayor:**

I have already written to the Lord Mayor on this in relation to the enquiry and his intentions for that site stating Council's position on this, and will forward that letter to the Councillors Information Service and am happy to write again.

17.

**TRAFFIC - MANAGEMENT – WATERLOO PRECINCT – TRAFFIC ISSUES ON O'DEA AVENUE FROM RESIDENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (T52-00048)**

**Question:**

I have received representations from a number of residents and interested people in relation to traffic issues on O'Dea Avenue, associated with proposed infrastructure works on the Victoria Park site.

Can you confirm whether there has been an agreement to postpone consideration of O'Dea Avenue traffic management pending additional discussion on this vexed issue?

**Answer by the Mayor:**

There were a number of requests from property holders including representation from the Member for Heffron, and that matter was deferred from the previous Traffic Committee and will be on the Traffic Committee in one week's time. However, there had been further requests for the matter to be deferred, but there are concerns from the Roads and Traffic Authority on the general safety and median strip in O'Dea Avenue.

18.

**TRAFFIC – MANAGEMENT – NOISE AND AIR POLLUTION CREATED BY TOUR BUSES IN THE KINGS CROSS AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2013597)**

**Question:**

Can Council take action to ensure that the tour bus management plan for the Kings Cross area is enforced and circulated to all Kings Cross Duty Managers as buses continue to stand in no standing signs in Macleay Street outside the Rex and Landmark Hotels with their engines running creating noise and air pollution?

**Answer by the Mayor:**

I will have the information and remind the Commander of Kings Cross Police of their protocol which they establish with the Area Manager and Kings Cross relation to the management of tourist buses.

19.

**PROPERTIES – MANAGEMENT – SECURITY GUARDS AT BROADWAY AND OWEN STREET PROPERTIES - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2023331)**

**Question:**

The squatters were evicted from No. 3 Owen Lane on 24 November 2000, yet the security guards are still on station, 19 days later. Why is Council spending additional money to the \$41,184 allocated on security contrary to Council's resolution of 8 November 2000?

When will security on station at No. 3 Owen Lane cease?

Security guards employed by South Sydney Council have been engaging in direct harassment of homeless people sleeping in Owen Lane, it is alleged, using flashlights to awaken, harass and intimidate these people. Security guards have also been harassing residents of Nos. 147 – 159 Broadway, through use of flashlights through windows and 24 hour surveillance of occupied buildings.

What steps will Council take to address this behaviour of harassment and intimidation?

**Answer by the General Manager:**

I understand it is not contrary to Council resolution and understand the guards are there to protect Council property.

**GENERAL MANAGER**

20.

**PROPERTIES – MANAGEMENT – SECURITY GUARDS AT BROADWAY AND OWEN STREET PROPERTIES - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2023331)**

**Question:**

Can a report be prepared for Council detailing how much money has been spent on security in relation to the Broadway and Owen Street properties in the last four months? Can Council justify such a huge waste of public money?

**Answer by the Mayor:**

I will have the Acting Director of Corporate Services respond in the Councillors Information Service.

21.

**ADMINISTRATION – FOOTPATHS, TRAFFIC AND OTHER ISSUES – QUESTIONS BY COUNCILLORS TO BE EMAILED TO DEPARTMENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (A53-00114)**

**Question:**

In the New Year, could we look at questions about footpaths, traffic and issues, could they be sent on by e-mail or sent on to appropriate Officers or Directors rather than extending the time from these meetings?

**Answer by the Mayor:**

I will take that comment on board.

**REPORT OF THE FINANCE COMMITTEE**

6 December 2000

**PRESENT**

**Councillor Shayne Mallard (Chairperson)**

**Councillors – Peter Furness, Tony Pooley and Gregory Shaw**

At the commencement of business at 6.36 pm those present were:-

Councillors – Furness, Mallard, Pooley and Shaw.

**GENERAL MANAGER**

Moved by the Chairperson (Councillor Mallard), seconded by Councillor Furness:-

That the Report of the Finance Committee of its meeting of 6 December 2000, be received and the recommendations set out below for Items 1 to 3 inclusive, 5 to 7 inclusive, 11 to 13 inclusive, 16 to 18 inclusive, and 21 to 26 inclusive, be adopted. The recommendations set out below for Items 4,8,9,10,15,19,20, 27 and 28 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**STREETS – DEVELOPMENT SITE AT NOS. 52 – 112 JOYNTON AVENUE, ZETLAND – PROPOSED STREET AND PARK NAMING (2021696)**

That approval be given to:-

- (1) The naming the new streets and parks within the “Victoria Park” development site at Nos. 52-112 Joynton Avenue, Zetland and shown on plan No. S6-280/256 as follows:

Street Names:

Gadigal Avenue  
 Victoria Park Parade  
 Grandstand Parade  
 George Julius Avenue  
 Ascot Avenue  
 Hutchinson Walk  
 Levy Walk  
 Cooper Place  
 Defries Avenue  
 Wolseley Grove  
 Austin Grove  
 Morris Grove  
 Leyland Grove  
 Kirby Walk

Park Names:

Joynton Park  
 Tote Park  
 Nuffield Park

- (2) a letter being forwarded to Landcom informing them of Council’s decision;
- (3) advertising and gazetting of the new names and notification to the relevant authorities made under the policy for naming and renaming of Public Roads as adopted by Council on 14 February 1996.

(A/DPWS Report 16.11.00)

**GENERAL MANAGER**

Carried.

2.

**DONATIONS – ABORIGINAL AND TORRES STRAIT ISLANDER MARDI GRAS FLOAT (2023268)**

That arising from consideration of a report by the Director of Health and Community Services dated 30 November 2000:-

- (1) approval be given to the payment of a donation in the sum of \$750 to ACON for the purpose of supporting the 2001 Mardi Gras float entry of the Aboriginal and Torres Strait Islanders Gay, Lesbian and Transgender/Sistergirl Support Group, for which funds are available under Community Grants in the 2000/2001 Budget;
- (2) Mr David Aanundsen, Mens Aboriginal and Torres Strait Islanders Project Officer of ACON be advised to make any future requests for funding through the Annual Community Grants Program.

Carried.

3.

**LEASING - DOMAIN CARPARK – PROVISION FOR RENTAL AND LEGAL COSTS (L02-00069)**

That Council grants approval to transfer \$560,000 from the Parking Station Reserve to the Domain Carpark Rental account (1.53.7605.14245.0) as a provision toward unpaid rental for the period May 2000 to April 2001.

(A/DCS Report 24.11.00)

Carried.

4.

**PARKS - VICTORIA PARK SWIMMING POOL – MARDI GRAS FAIR DAY – VICTORIA PARK SWIMMING POOL ENTRY FEE – DONATION (U98-01147)**

- (1) That the usual fee of \$3 per person for entry to Victoria Park Pool be charged on Mardi Gras Fair Day;
- (2) That the income gained from pool entry fees on Mardi Gras Fair Day be made available to the organisers of Mardi Gras Fair Day for donation to a registered charity nominated by the organisers of Mardi Gras;
- (3) That a sign be erected at the entrance to the pool indicating that South Sydney Council will be donating the entry fee to a registered charity nominated by the organisers of Mardi Gras, and that the name of the nominated charity be included on the sign.

**GENERAL MANAGER**

At the request of Councillor Mallard, and by consent, the motion was amended by the deletion of Clauses (1) and (2) of the recommendation and the insertion in lieu thereof of the following new (1) and (2) Clauses, namely:-

- (1) That the usual fees for casual entry to Victoria Pool be charged on Mardi Gras Day;
- (2) That Council make a Section 356 of the Local Government Act 1993 Donation to a registered charity to be nominated by the organisers of the Mardi Gras Fair Day, for the full amount of the taking from casual pool entry fees received on Mardi Gras Day ;

(A/DPWS Report 1.12.00)

Motion, as amended by consent, carried.

5.

**DONATIONS – SYDNEY FRINGE FESTIVAL – REVOTING OF EXPENDITURE (2010526)**

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 30 November 2000, Council approves revoting a one-off emergency donation of \$10,000 to the Sydney Fringe Festival under Section 356 of the Local Government Act, 1993, in the 2000/2001 Budget Estimates.

Carried.

6.

**PARKS – BEACONSFIELD PARK, QUEEN STREET, BEACONSFIELD – ACCEPTANCE OF TENDER TO UPGRADE (2011759)**

That approval be given to:-

- (1) the acceptance of the tender submission of Glascott Landscapes for landscape works for the construction upgrade of Beaconsfield Park at a cost of \$264,187 (excluding GST);
- (2) include a contingency sum for latent conditions of \$35,813;

-for which funds are available in the 2000/2001 Works Program (Beaconsfield Park Upgrade (21045) (Bud.Ref 45-004).

(A/DPWS Report 30.11.00)

Carried.

**GENERAL MANAGER**

7.

**PARKS – WATERLOO PARK PLAYGROUND, CORNER PITT STREET AND KELLICK STREET, WATERLOO – ACCEPTANCE OF TENDER TO UPGRADE (2023111)**

That approval be given to:-

- (1) the acceptance of the tender submission from JA Bradshaws Pty Ltd \$138,754 plus GST - \$13,875 totaling - \$152,630 for the construction upgrade works in Waterloo Park Playground;
- (2) the inclusion of a contingency sum of \$20,000 plus GST - \$2,000 totaling - \$22,000 to accommodate any latent conditions that may arise during the Contract;

-funds of \$160,000 are available in the Parks Development 2000/2001 Works Program for this project,. \$53,000 Waterloo Playground (21070) (Budget ref. 45-029), with the balance to be re-allocated from savings achieved from the completed Redfern Streetscape Lawson Square Project \$75,000 (20025) (Budget ref. 99-00-revote) and from Unsupervised Playgrounds \$32,000 (21064) (Budget ref. 45-023).

(A/DPWS Report 30.11.00)

Carried.

8.

**PROPERTIES – LITTLE RILEY STREET, NO. 27, SURRY HILLS – PROPOSED SALE OF LAND (P56-00046)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

That approval be given to Mr Ken Flook being offered the sale of Council owned “Operational” land, Lot 3, No. 27 Little Riley Street, Surry Hills, for \$5,000.

(A/DCS Report 29.11.00)

Carried.

9.

**COMMITTEES - PROPERTIES SUB-COMMITTEE – RE-CONSTITUTION (C57-00019)**

This matter was submitted to Council without recommendation.

**GENERAL MANAGER**

Moved by Councillor Harcourt, seconded by Councillor Pooley:-

That approval be given to the Properties Sub-Committee being re-constituted and that the Properties Sub-Committee:-

- Meet at 6.00 p.m. Wednesday, prior to the Finance Committee Meeting;
- Consist of the Members of the Finance Committee and the Mayor;
- The functions of the Sub-Committee are as embodied in the report of the Acting Director of Corporate Services dated 29 November 2000.

(A/DCS Report 29.11.00)

Carried.

## 10.

### **COUNCIL – RECESS FOR YEAR 2001 – ADOPTION OF MEETING DATES SCHEDULE AND DELEGATION OF AUTHORITY TO MAYOR (C63-00019)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

That arising from consideration of a minute by the Civic Affairs Manager/ Public Officer dated 22<sup>nd</sup> November, 2000, it be resolved that:-

- (A) the terms of resolution of Council of 12<sup>th</sup> July 2000, approving of Council recessing from midnight 13<sup>th</sup> December, 2000 to midnight 24<sup>th</sup> January, 2001 be amended, so as to provide for Council to recess from midnight Wednesday 13<sup>th</sup> December, 2000 to midnight Wednesday 31<sup>st</sup> January, 2001 and that the relevant delegations to the Mayor and General Manager referred to in Council's Resolution be extended to 31<sup>st</sup> January 2001;
- (B) approval be given to the attached schedule of Standing Committee meetings and Council meeting dates to 30<sup>th</sup> January 2002;
- (C) Council recess on the undermentioned dates, namely :-

From midnight Wednesday 11<sup>th</sup> April to midnight Wednesday 2<sup>nd</sup> May 2001, (School Holidays).

From midnight Wednesday 4<sup>th</sup> July to midnight Wednesday 25<sup>th</sup> July 2001, (School Holidays).

**GENERAL MANAGER**

From midnight Wednesday 26<sup>th</sup> September to midnight Wednesday 17<sup>th</sup> October, 2001 (School Holidays).

From midnight Wednesday 12<sup>th</sup> December to midnight Wednesday 30<sup>th</sup> January, 2002 (School Holidays).

- and that in order to carry out the services and obligations of the Council, approval be given to delegate to :-
  - (1) the Mayor its powers, authorities, duties and functions other than those reserved for the Council itself by Section 377, and other than any regulatory functions under Chapter 7 of the Local Government Act, 1993;
  - (2) the General Manager any regulatory functions under Chapter 7 of the Local Government Act, 1993, not previously delegated.
- during the periods referred to above and that all matters normally requiring decision by Council be circulated to Councillors two full working days prior to resolution by the Mayor and any written objections by three Councillors on any one item, stating the reason for objection, be enough to defer a decision until the next relevant Standing Committee meeting of Council, and that any decision of the Mayor or General Manager pursuant to such delegations be reported to members of the Council.

It was moved by Councillor Furness that the motion be amended by the deletion of the words "two full working days" where appearing in clause (c)(2) and the insertion of the following new words namely "five full working days"

Motion lapsed through want of a seconder.

At the request of Councillor Harcourt and by consent the motion was amended by the addition of a Clause (D) to the recommendation namely:-

- (D) The matters which are sent to the Councillors for consideration under Delegated Authority be transmitted by E-Mail.

Motion, as amended by Councillor Harcourt, carried.

11.

**PROPERTIES – OXFORD STREET, NOS. 110 – 114, DARLINGHURST – PROPOSED REFURBISHMENT OF LEVELS 1 & 2 AND CONVERSION TO COMMERCIAL OFFICE SUITES (2023034)**

That for the reasons set out in the report by the Acting Director of Corporate Services dated 30 November 2000, it be resolved that approval be given to:-

- (a) proceed with design development, contract documentation and the calling of Tenders for consultants and contractors, for the refurbishment of level 1 and 2 of Nos. 110 – 114 Oxford Street, Darlinghurst;

**GENERAL MANAGER**

- (b) allocate funding of \$930,000 for expenditure from this years Capital Works Budget, account code No. 71013, for the appointment of consultants and building contractors;
- (c) approve additional funds of \$116,000 above the \$930,000 already allocated, based on the Q.S. estimate of \$1,046,000;
- (d) funds of \$116,000 to be added to the 2000/2001 budget estimates.

(A/DCS Report 30.11.00)

It was moved by Councillor Lennon, seconded by Councillor Furness, that the matter be deferred.

Amendment negatived.

Motion carried.

## 12.

### **LEASING – UPSTAIRS SECTION – REG MURPHY HALL, GREENKNOWE AVENUE, NO. 19, POTTS POINT – APPLICATION TO LEASE BY DARLINGHURST THEATRE LIMITED (2021160)**

That approval be given to Darlinghurst Theatre Limited being offered a five year lease of Council premises, upstairs section, Reg Murphy Hall, No. 19 Greenknowe Avenue, Potts Point, at a rental of \$108,300 per annum gross, from a date to be determined, subject to the following conditions, namely:-

- (1) That the rental be reviewed annually by 4%;
- (2) That Darlinghurst Theatre Limited pay Council an actual rent of \$30,000;
- (3) That the balance of the rent of \$78,300 be made up of the Subsidy approved by Council on 14 June, 2000, under Council's Subsidised Accommodation Program 2000;
- (4) That the requirement to provide both a Bank Guarantee and Personal Guarantees be waived in this instance;
- (5) That the lessee is to provide Council with a Public Liability Insurance Policy in an amount of not less than Ten Million Dollars indemnifying both the Council and the lessee for their respective rights and interests against any claims that may arise during the term of the lease;
- (6) That any proposed alterations to the leased premises, including refurbishment's, fit-outs, etc. by the lessee's during the term of the lease period, must be submitted to the Property Branch Manager prior to any

**GENERAL MANAGER**

submission of plans etc. to Council's Planning and Building Department for Statutory approvals;

- (7) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer are to be borne by the lessee's;
- (8) That all relevant documents are to be executed by Council's Attorney, if required.
- (9) That this approval lapses three months from the date of Council's approval to the granting of the lease, if the lessee's have failed to provide the public risk insurance as required, or failed to execute the lease document.
- (10) That Council retains "free use" of the premises for Community use, as required below:
  - Fund Raising and Charity Events 10 days per annum
  - Community Events 15 days per annum
  - Public Meetings 6 days per annum
  - Electoral Booth Usage As required
- (11) That when the premises are not required for use by the lessee, the lessee's agrees to hire the premises to third party Community Groups, as per Council's Schedule of Fees and Charges, as applicable to Community Groups. The hire income is also to be retained by Darlinghurst Theatre Limited.
- (12) That the first three months rent is to be rent free period in recognition of the contribution that the Darlinghurst Theatre Limited has made to the community.

(DCS Report 29.11.00)

Carried.

### 13.

#### **PUBLIC RELATIONS – LIMITS ON SERVICE AND COMMUNICATION – ADOPTION OF POLICY (2008535)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 28 November 2000, it be resolved that:-

- (1) Council adopts the NSW Ombudsman's model policy titled "Limits on Service and Communication" accompanying the Acting Director of Corporate Services report dated 19<sup>th</sup> October 2000.
- (2) A further report be submitted on adopting a Complaints Handling Policy.

**GENERAL MANAGER**

Carried.

14.

**LEASING – FOX AVENUE, NO. 1, ERSKINEVILLE – ALEXANDRIA-ERSKINEVILLE BOWLING CLUB LTD SUBSIDY (L52-00101)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 30 November 2000, approval be given to grant a Subsidy under Council's Community Grants Program (no cash component) of \$48,000 for the additional rental for the period 4 February, 2000 until 3 February, 2001.

Carried.

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

That the matter be deferred and be referred to the Properties Sub-Committee meeting to be held in 2001.

Motion, as amended by consent, carried.

15.

**PROPERTIES – BROADWAY, NOS. 147 – 169, ULTIMO, AND OWEN STREET, NO. 3, ULTIMO – PROPOSED RE-DEVELOPMENT (P56-00048)**

This matter was dealt with in the Committee of the Whole after the minute by the General Manager relating to the Legal Committee.

Carried.

16.

**PLANNING – LOW COST ADAPTABLE FLOORSACE FOR ARTISTS (2011709)**

That the report by the Acting Director of Corporate Services dated 1 December 2000, on the availability of low rent adaptable floor space for artist be received and noted.

Carried.

17.

**TRAFFIC - EASTERN DISTRIBUTOR LOCAL AREA IMPROVEMENT PLAN PACKAGE B – WOOLLOOMOOLOO (NORTH OF WILLIAM STREET) – ACCEPTANCE OF TENDER TO CONSTRUCT (2023035)**

That approval be given to:-

**GENERAL MANAGER**

- (1) accept the tender submission from Mayale Pty Ltd for the Eastern Distributor Local Area Improvement Plan Package B - Woolloomooloo (North of William Street) construction works for a sum of \$255,450.80;
- (2) provide a contingency amount of \$25,000 to cover latent conditions during the Contract;

-funds of \$280,450.80 are available in the 2000/2001 Budget allocation as part of the approved Eastern Distributor LAIP (Project 21031).

(DPWS Report 1/12/00)

Carried.

18.

**TRAFFIC - EASTERN DISTRIBUTOR LOCAL AREA IMPROVEMENT PLAN PACKAGE C – SURRY HILLS (BETWEEN OXFORD STREET AND CLEVELAND STREET) – ACCEPTANCE OF TENDER TO CONSTRUCT (2023035)**

That approval be given to:-

- (1) accept the tender submission from J A Bradshaw Pty Ltd for the Eastern Distributor Local Area Improvement Plan Package C - Surry Hills (Between Oxford Street and Cleveland Street) construction works for a sum of \$347,698.66;
- (2) provide a contingency amount of \$35,000 to cover latent conditions during the Contract.

-funds of \$382,698.66 are available in the 2000/2001 Budget allocation as part of the approved Eastern Distributor LAIP (Project 21031).

(DPWS report 1/12/00).

Carried.

19.

- (1) **WELFARE - SOCIAL PLAN – REPORT AND IMPLEMENTATION (W51-00086)**
- (2) **HEALTH AND COMMUNITY SERVICES DEPARTMENT, COMMUNITY SERVICES SECTION – RE-STRUCTURE**

That arising from a report by the Director of Health and Community Services dated 1 December 2000, it be resolved that Clause (1) of the recommendation be approved namely:-

**GENERAL MANAGER**

- (1) That the Draft South Sydney LGA Social Plan (Executive Summary) attached to the beforementioned report being advertised for two months for community input;

And that approval be given to:-

- (2) Clauses (2) and (3) of the recommendation be deferred until after the adoption of the Social Plan by Council.

At the request of Councillor Harcourt, and by consent, the motion was amended by the addition of a Clause (4) to the recommendation, namely:-

- (4) That prior to the exhibition of the Plan, a meeting be arranged by the Director of Health and Community Services notifying the time and location of the meeting.

Motion, as amended by consent, carried.

**20.**

**PERSONNEL – ROTATING ROSTERED RECREATION DAY SYSTEM -  
REVIEW OF ALTERNATIVES TO REPLACE (P53-00086)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That option (b) section (ii) in the report by the Director of Organisational Development dated 14 November 2000, be approved in principle and that the matter be referred to the next Joint Consultative Committee Meeting for comment prior to implementation.

Amendment negatived.

It was moved by Councillor Mallard, seconded by Councillor Bush, that the General Manager's report dated 27 November 2000, in respect of the rotating rostered recreation day system, be approved and adopted.

Motion, as amended by consent, carried.

**21.**

- (A) POLICY – FOOTWAY RESTAURANT LICENCES – AMENDMENT  
(L56-00352)**
- (B) LICENSING – REGENT STREET, NO. 82, REDFERN – PROPOSED  
FOOTWAY LICENCE (2023298)**

That approval be given to:-

**GENERAL MANAGER**

- (A) the amendment of the Footway Restaurant Licence Policy adopted by Council on 11 December 1996 and as amended on 10 September 1997 and 11 November 1998 by:-
- (1) waiving legal fees and security deposits for footway restaurant licences, in the interests of street revitalisation, in the area shown stippled in Plan No. S5-587/314;
  - (2) the policy being reviewed in two years;
  - (3) promoting this policy initiative to Restaurants and Cafes in the Redfern commercial precinct;
- (B) the amendment of paragraphs (3), (5) and (6) of the Approval of Council dated 5 October 2000, for the footway restaurant licence at No. 82 Regent Street, Redfern as shown on attached Plan No. S4-130/779 be amended as follows:
- (3) The licence commencing only following the satisfactory compliance with condition 8 accompanying the Director's report, the licensee executing the licence agreement and the issuing of written permission to occupy the site;
  - (5) Council waiving legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreements;
  - (6) This approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the public risk insurance as required by Condition 8, accompanying the Director's report or failed to execute the licence agreement.

(DPWS Report 28/11/00)

Carried.

## 22.

### **PLANNING – WALTER REID RESERVE , PADDINGTON, PROJECT – COMMISSIONING OF STRUCTURAL ENGINEERING CONSULTANTS – URGENT WORKS – ADDITIONAL PROJECT FUNDS (2023408)**

That arising from consideration of a joint report by the Director of Planning and Building and Acting Director of Corporate Services dated 16 November 2000, it be resolved that:-

- (1) allocate the funds of \$225,897.30 for the design and construction of propping for the Walter Reid Reserve, Paddington.

**GENERAL MANAGER**

- (2) 50% of the cost in the sum of \$112,948.65 be allocated from the Section 94 Contribution (developer contributions);
- (3) 50% of the cost in the sum of \$112,948.65 is required to be added to the 2000/2001 Budget Estimates;
- (4) approval be given for Hughes Trueman to be appointed to carry out the design of the works in accordance with their quote dated 3 October 2000.

(DPB & A/DCS Joint Report 16.11.00)

Carried.

**23.**

**DONATIONS – THE MAGIC YELLOW BUS IN SOUTH SYDNEY - FINANCIAL CONTRIBUTION TOWARDS COSTS INVOLVED IN THE OPERATION (2019988)**

That arising from a report by the Director of Health and Community Services dated 30 November 2000, it be resolved that:-

- (1) Council provides a financial donation of \$4,819 to Marrickville Council towards the cost of operating the Magic Yellow Bus in South Sydney for the year 2001, funds to cover this expenditure are available under S356 of the Local Government Act 1993, in Council's 2000/2001 Budget;
- (2) the site that the service visits be extended to include Woolloomooloo, so the visits alternate between Redfern Park and the newly refurbished playground at Woolloomooloo on a trial basis.

Carried.

**24.**

**CONFERENCES – LOCAL GOVERNMENT SHIRES ASSOCIATION – HUMAN RESOURCE MANAGEMENT CONFERENCE 2000 – COFFS HARBOUR, NSW, 23 AND 24 NOVEMBER 2000 - FEEDBACK REPORT (2006513)**

That the report by the Director of Organisational Development dated 1 December 2000, reporting on the Human Resources Conference, held at Coffs Harbour, NSW, in November 2000, be received and noted.

Carried.

25.

**COMMUNITY FACILITIES - ALEXANDRIA CHILD CARE CENTRE - INCREASE IN FEES (2022588)**

That arising from a report by the Director of Health and Community Services dated 29 November 2000, approval be given to the proposed fee increase of \$2 per day for all children attending the Alexandria Child Care and that this fee increase be advertised for 28 days, to take effect as and from Monday 12 February 2001.

It was moved by Councillor Lennon, seconded by Councillor Furness, that the whole of the motion be deleted and the following new resolution be inserted in lieu thereof namely:-

That the Council pay the increased fees.

Amendment negatived.

Motion carried.

26.

**ADMINISTRATION - 2000/2001 WORKS PROGRAMME – ALLOCATION OF ADDITIONAL RESOURCES (2023632)**

That approval be given to provide sufficient resources for the substantial completion of the 2000/2001 Works Program and planning and design for the 2001/2002 Works Program by:-

- (1) the appointment of two temporary Design Engineers, one Landscape Architect and one Project Administrator for a period of 12 months at an estimated cost of \$178,000;
- (2) the purchase of one personal computer and software at an estimated cost of \$5,000;
- (3) the re-allocation of \$183,000 from account No. 21050 (budget ref 45-009 Pre-Olympic William Street Improvements \$279,000 balance available) to the relevant project management accounts within the Works Program.

(A/DPWS Report 4.12.00)

Carried.

27.

**MEMBERSHIP – BOTANY BAY ENTERPRISE CENTRE (BEC) - RENEWAL (M54-00040)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Pooley:-

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 6 December 2000, approval be given to Council renewing its membership of the Botany Bay Enterprise Centre and also if possible to have South Sydney incorporated into the title with Council taking a more active role in the corporation.

Carried.

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

28.

**STREETS – WORKS PROGRAM – FOOTWAY RECONSTRUCTION PROGRAM – COMMUNICATION STRATEGY (2015562)**

That approval be given to:-

- (1) Council to notifying the residents by letter drops approximately one month before the start of construction, such letters to come from the General Manager and Mayor;
- (2) Contractors notifying residents by letter drops two weeks before the start of construction;
- (3) Each site will be signposted identifying the start and end of the project, the Contractors Name and contact details and Council's emergency contact details;
- (4) Information in Councils' page in the Courier newspapers and in the December issue of the Inner City News;
- (5) Council web site will contain a dedicated page on the project's progress.

(A/DPWS Report 4.12.00)

At the request of Councillor Pooley, and by consent, the motion was amended by the deletion of all the words "such letter to come from the General Manager and Mayor" where appearing in clause (1) after the word "construction".

Motion, as amended by consent, carried.

**GENERAL MANAGER**

The Finance Committee Meeting terminated at 8.55 p.m.

## **REPORT OF THE COMMUNITY SERVICES COMMITTEE**

6 December 2000

### **PRESENT**

**Councillor Peter Furness (Chairperson)**

**Councillors – Shayne Mallard, Tony Pooley and Gregory Shaw.**

At the commencement of business at 8.56 pm those present were -

Councillors:- Furness, Mallard, Pooley and Shaw.

Moved by the Chairperson (Councillor Furness), seconded by Councillor Mallard:-

That the Report of the Community Services Committee of its meeting of 6 December 2000, be received and the recommendations set out below for Items 1, 2, 4 and 5, be adopted. The recommendation set out below for Item 3 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

#### **COMMITTEES – HEALTHY OLDER PEOPLE PROGRAM (HOPP) – MINUTES OF MEETING – 10 OCTOBER 2000 (2018510)**

That the report by the Director of Health and Community Services dated 23 November 2000, and the accompanying minutes of the Healthy Older People Program Committee held on 10 October 2000, be received and that the undermentioned recommendation of the Committee, be adopted, namely:-

That arising from the minutes of its Healthy Older People Program Committee Meeting of 10 October 2000, Council grant its approval to:-

“The conduct of a Valentine's Day Tea Dance on 9 February 2001, at the Redfern Town Hall, Pitt Street, Redfern, including the free use of the Hall from 8.00am to 4.00pm, and the allocation of \$1,200 for

**GENERAL MANAGER**

complimentary afternoon tea and entertainment, for which funds are available in 1.26.6650.15405.0.”

Carried.

**2.**

**HEALTH – LOCAL FOOD POLICY “WHAT’S EATING SOUTH SYDNEY” - ANNUAL REPORT (2009966)**

That arising from a report by the Director of Health and Community Services dated 23 November 2000, it be resolved that:-

- (1) the Local Food Policy “What’s Eating South Sydney” Annual Report, be received and noted;
- (2) Council’s Local Food Policy “What’s Eating South Sydney” continue to be implemented and developed in its current manner;
- (3) the title of Food Policy Implementation Working Party be changed to the Food Policy Committee;
- (4) the Food Policy Committee continues to maintain a diverse membership with representatives from within and outside Council and that the Committee continues to meet on a bi-monthly basis;
- (5) a public notice be placed in the local papers inviting expressions of interest for nominations for community and business representatives on the Food Policy Committee.

Carried.

**3.**

**CELEBRATIONS – SENIORS’ WEEK – 18 TO 25 MARCH 2001 (2022439)**

That arising from a report by the Director of Health and Community Services dated 30 November 2000, Council:-

- (1) supports the concept of Seniors’ Week as proposed by the Premier of New South Wales which is scheduled for Sunday 18 March to Sunday 25 March 2001;
- (2) approves the conduct of the proposed program, as in the beforementioned Director’s report, funds for which are available in the 2000/2001 Budget (1.26.6650.16680.1).

At the request of Councillor Pooley, and by consent, the motion was amended by the addition of a clause (3) to the recommendation, namely:-

**GENERAL MANAGER**

- (3) Should the arrangements relating to the proposed Learning Circle launch be appropriate, it be added to Council's list of activities for Seniors' Week, 2001.

Motion, as amended by consent, carried.

4.

**CONFERENCES – COUNCIL ON THE AGEING NATIONAL CONGRESS – NOVEMBER 2000 – REPORT (2023410)**

That arising from a report by the Acting Director of Health and Community Services dated 1 December 2000, Council receive and note the findings of a Meals-On-Wheels fact finding mission to Victoria and a report on the National Congress of Council on The Ageing during November 2000.

Carried.

5.

**COMMUNITY SERVICES – PUBLIC ART – MICHAEL SNAPE SCULPTURE “PAUL’S TOWER” (2014970)**

That for the reasons set out in the Director of Health and Community Services report dated 1 December 2000, Council decline the offer made by Michael Snape to exhibit his artwork, “Paul’s Tower”, in Sydney Park or any other public area.

It was moved by Councillor Lennon, seconded by Councillor Furness, that the matter be referred to the Arts and Cultural Committee.

Amendment negatived.

Motion carried.

The Community Services Committee Meeting terminated at 9.10 p.m.

## REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

6 December 2000

### PRESENT

**The Mayor, Councillor John Fowler (Chairperson)**

**Councillors – John Bush, Christine Harcourt, Jill Lay and Amanda Lennon**

At the commencement of business at 6.55 pm, those present were -

The Mayor and Councillors Bush, Harcourt, Lay and Lennon.

Moved by the Chairperson (the Mayor, Councillor Fowler), seconded by Councillor Bush:-

That the Report of the Planning and Development Committee of its meeting of 6 December 2000, be received and the recommendations set out below for Items 3, 4, 6, 8, 12, 14, 16, 17 and 19, be adopted. The recommendations for Items 1, 2, 5, 7, 9 to 11, inclusive, 13, 15, 18 and 20 to 22, inclusive, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**BRIGGS STREET, NOS. 3 – 11, CAMPERDOWN – ERECT RESIDENTIAL FLAT BUILDING WITH 12 UNITS – DEVELOPMENT APPLICATION (U00-00788)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the application be deferred and the applicant given the opportunity to submit amended plans that address the issues identified in condition 1 in the recommendation in the officers report dated 1 December 2000 as well as the requirement that all dwellings received a minimum of 2 hours of sunlight at the winter solstice between 9.00am and 3.00pm. The applicant be advised that Council is unlikely to accept any more than 2 of the proposed units not meeting the solar access requirements.

Carried.

**GENERAL MANAGER**

2.

**ERSKINEVILLE ROAD, NO. 62, ERSKINEVILLE – ERECTION OF FLATS – DEVELOPMENT APPLICATION (U00-00400)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council as the responsible authority grants deferred commencement consent pursuant to Section 80 (3) of the EPA Act to the development application submitted by FMJM Partnership , with the authority of P Dorrian and J Denshire, for conversion of an existing dwelling to two flats involving alterations and additions, and the erection of two flats at the rear of the site, subject to the following conditions, namely:-
- (1) That the consent shall not become operative until amended plans have been submitted for the approval of the Director of Planning and Building, and approved in writing which demonstrate the following:
    - (a) That satisfactory screening of the south-east facing upper level window of the inner rear unit may be carried out as required by Condition (10);
    - (b) That the terrace and parking spaces on the Baldwin Street frontage are deleted and replaced with a building façade with a setback of 2m as required by condition (7);
  - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$6,900 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$900, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (4) Part A

**GENERAL MANAGER**

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$1,151	2E97003.BGY0
Open Space: New Parks	\$5,466	2E97009.BGY0
Accessibility And Transport	\$34	2E97006.BGY0
Management	\$88	2E97007.BGY0
Total	\$6,738	

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 - September Quarter 2000/20001.

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 off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. Endorsed DA and construction plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

**GENERAL MANAGER**

## Part B

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

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

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

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

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

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

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$1,719	2E97008.BGY0

**GENERAL MANAGER**

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

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

where:

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

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

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

- (6) That the development shall be generally in accordance with plans numbered 21-101A and 21-501A, dated 1 November 2000 as amended by the terms of this consent and annotated in red on the stamped and dated plans;
- (7) That the off street car spaces be deleted and that the façade shall be redesigned with a setback from Baldwin Street of 2m;
- (8) That the elevated terrace fronting Baldwin Street shall be deleted and the open area between the proposed building and Baldwin Street at ground level allocated to the Baldwin Street unit as private open space;
- (9) That all windows of the new building facing to the east shall be of fixed obscure glass to a height of not less than 1.5m above floor level to maintain privacy;
- (10) That the south-facing window of the main bedroom of the inner new unit shall be screened to minimize overlooking of No. 64 Erskineville Road;
- (11) That the additions to the existing buildings shall be consistent in materials and colour with the existing building;
- (12) That the front balcony of the existing building shall not be enclosed but shall be open and in traditional form;
- (13) That both buildings shall be painted in a colour consistent with their location in a conservation area;

**GENERAL MANAGER**

- (14) That natural light and ventilation shall be provided in accordance with the requirements of the Building Code of Australia;
- and the following standard adopted conditions:
- (15) Builders Hoarding Permit<sup>1008</sup>
- (16) Alignment Levels<sup>1016</sup>
- (17) Resident Parking Access<sup>3001</sup>
- (18) Cost of Signposting<sup>3026</sup>
- (19) Footway Crossing<sup>3028</sup>
- (20) Obstruction of Public Way<sup>3029</sup>
- (21) Stormwater Standard<sup>4001</sup>
- (22) Refuse Skips<sup>6002</sup>
- (23) Construction Hours<sup>9151</sup>
- (24) Works Within Boundary<sup>9152</sup>
- (25) Work on Public Way<sup>9154</sup>
- (26) Soil and Sediment Prosecution Note<sup>7069</sup>
- (27) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
- (a) Compliance with Building Code of Australia<sup>8501</sup>
  - (b) Protection of External Walls<sup>9323</sup>
  - (c) Separation of Class One Walls<sup>9324</sup>
  - (d) Sarking Material Flammability Index<sup>9325</sup>
  - (e) Protection of Rooflights<sup>9326</sup>
  - (f) That the openings in the external walls closer than 900mm from a side boundary shall be protected by non-openable fire windows or other construction with an FRL of not less than -/60/- or self-closing solid core doors not less than 35mm thick, in accordance with Part 3.1.1.5(b) of the BCA;

- (g) Stairs and Balustrades<sup>9419</sup>
  - (h) Smoke alarms<sup>9523</sup>
  - (i) Protection of walls and floors in wet areas<sup>9602</sup>
  - (j) Clothes washing, drying and cooking facilities<sup>9604</sup>
  - (k) Damp and weather proofing<sup>9605</sup>
  - (l) Natural Light and Ventilation/Skylights<sup>9614</sup>
  - (m) Ceiling heights of rooms<sup>9611</sup>
  - (n) Sound transmission classes of walls<sup>9620</sup>
  - (o) Construction of External Walls for Dampness<sup>9624</sup>
- (28) Residential Building Work<sup>8503</sup>
  - (29) Survey Certificate at Set Out Stage<sup>9001</sup>
  - (30) Survey Certificate at Completion<sup>9002</sup>
  - (31) Drainage Details with Construction Certificate<sup>9013</sup>
  - (32) Construction Hours<sup>9151</sup>
  - (33) Construction Certificate Required<sup>9155</sup>
  - (34) Building/Demolition Noise Control<sup>9156</sup>
  - (35) Works to be Within Allotment Boundaries<sup>9159</sup>
  - (36) Protection from Termites<sup>9204</sup>
  - (37) Glazing Provisions<sup>9330</sup>
  - (38) Flashings to Boundary Walls<sup>9625</sup>
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

It was moved by Councillor Mallard, seconded by Councillor Bush, that the motion be amended by the deletion of (1)(a) and (1)(b) in the recommendation and the insertion in lieu thereof of the new conditions (1)(a) and (1)(b), namely:-

- (1)(a) That units 1 and 2 be in accordance with the amended plans submitted to Council;
- (b) That units 3 and 4 remain as per the original plans submitted to Council.

Amendment negatived.

It was moved by Councillor Lay, seconded by Councillor Harcourt, that the motion be amended by the insertion in lieu thereof of the new conditions (1)(a) and (1)(b), namely:-

- (1)(a) That the window in Bedroom 1 of Unit 3 adjacent to No. 64 Erskineville Road shall be screened in accordance with Condition (10);
- (b) That the terrace and parking spaces on the Baldwin Street frontage be deleted and replaced with landscaping;

Amendment carried.

Motion, as amended, carried.

### 3.

#### **PARRAMATTA ROAD, NO. 82, CAMPERDOWN – SECTION 96 APPLICATION – DEVELOPMENT APPLICATION (U89-00645)**

- (A) That the Council as the responsible authority refuses its consent to the Section 96 application submitted by V J Smith, with the authority of K Maloney, for permission to vary a consent granted on 20 September, 1989 so as to extend the hours of operation of the Student Prince Hotel at 82 Parramatta Road, Camperdown for the following reasons, namely:-
  - (1) That the extension of hours of operation would be likely to have a significant effect on the amenity of residents and would therefore not be within the Council's powers to approve a Section 96 application pursuant to Section 96(1A)(a);
- (B) That the Council as the responsible authority grants its consent to a Section 96 application to amend a development consent granted on 20 September, 1989, for the extension of hours of operation of the Student Prince Hotel, and which incorporates a condition prohibiting live or amplified entertainment after midnight, and amends the consent by the insertion of the following conditions, namely:-
  - (8) That notwithstanding condition (5) amplified entertainment other than live bands may be provided during a period of three months from the date of this resolution. After that time a new development application may be submitted, in the consideration

**GENERAL MANAGER**

of which the Council will take into account any approved or proposed residential development in the vicinity of the site;

- (9) That the authorised capacity of the premises under its licence as a place of public entertainment, namely 92 patrons and 8 staff members and entertainers shall not be exceeded;
  - (10) That the rear door of the hotel is to be kept closed after 9 pm and an acoustic blanket be installed over the same when amplification equipment is in use;
  - (11) That a sufficiency of ice is to be made each evening prior to 9 pm to avoid the necessity to use the rear door.
- (C) That the persons who made representations with respect to the proposal be advised of the Council's decision.

Carried.

4.

**ANGEL STREET, NOS. 2 – 4, NEWTOWN – ERECTION OF TWO DWELLING HOUSES – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-00816)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of Planning and Building dated 28 November 2000.

Carried.

5.

**BRIGGS STREET, NOS. 21 – 23, CAMPERDOWN – FIRST FLOOR AND SECOND FLOOR ADDITION WITH TWO LEVEL REAR STUDIOS – DEVELOPMENT APPLICATION (U00-00869)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Mr Barry Nichols (owner) for the retention of existing ground floor facades and the construction of 2 x 3 storey attached terraces with rear studio subject to the following conditions, namely:-

**GENERAL MANAGER**

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$400 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development shall be generally in accordance with the plans numbered 00869/00 and date stamped 27 July 2000 except where amended by conditions;
- (4) That the front dormer windows shall be centrally located within the roof planes as indicated on the approved plans and shall contain timber framed double-hung sash windows;
- (5) That the first floor doors on the front elevation shall be timber framed;
- (6) That the roof material of the front elevation shall be in a grey/dark grey colour;
- (7) That the balustrading on the first floor balconies is to be semi-transparent with vertical balusters;
- (8) That the proposed solar panels are to be located behind the ridge line of the front building;
- (9) That the pitch of the main roof shall be a minimum of 30<sup>0</sup>;
- (10) That a colour scheme for the front elevation shall be submitted with the Construction Certificate;
- (11) That the front dormer windows shall be vertically proportioned at the ratio of 1.5:1 as measured from the base to the head of the window frame;
- (12) That an archival record of the building, including measured drawings and photographs, is to be prepared in accordance with

the NSW Heritage Office Guidelines, and submitted to Council prior to work commencing on the site.

- (13) That 1.8 metre privacy screens shall be permanently fixed to the sides of the rear garden as indicated on the approved plans;
- (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 the minimum soil depth for planting on any slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth for mulch and a suitable waterproofing and drainage layer;
- (18) That no garbage or industrial waste shall be placed on the public way (eg footpaths, roadways, plazas, reserves etc) at any time;
- (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) 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;
- (21) That the applicant shall comply with the following conditions 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 all relevant sections of the BCA shall be complied with;

- (b) 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;
- (c) That any sarking-type material used in the roof of the Class 1 building shall have a flammability index of not more than 5, in accordance with Part 3.7.1.7 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 natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (i) 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;
- (j) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
- (k) 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 - (Attention is directed to the roof areas);
- (l) That a separating wall shall be provided between the two front dwellings. Details shall be submitted with the construction certificate. The separating wall shall comply with Part 3.7 of the BCA;

**GENERAL MANAGER**

- (m) That details of the construction around the stair shall be submitted with the construction certificate;
  - (n) Details of the waterproofing of the roof garden and drainage of the roof garden shall be submitted with the construction certificate;
  - (o) That the roof shall be non-combustible and details shall be submitted with the construction certificate;
  - (p) That the rear studio shall be separated into two studios and the separation shall comply with Part 3.7 of the BCA. Details shall be submitted with the construction certificate;
- (22) 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;
- (23) 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;
- (24) 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;
- (25) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (26) 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);
- (27) 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;

- (28) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (29) That the existing front façade shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (30) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (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 where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with part 3.1.3 of the BCA;
- (33) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (34) That structural details shall be approved prior to commencement of building work.

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

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

NOTE: That the 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.

**GENERAL MANAGER**

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

Carried.

**6. FITZROY PLACE, NO. 5, SURRY HILLS – CONVERT ELECTRIC SUBSTATION AND ERECT SINGLE DWELLING – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U99-01044)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of Planning and Building dated 30 November 2000.

Carried.

**7. BEACONSFIELD, NOS. 14 – 16, ALEXANDRIA – DEMOLISH TWO EXISTING DWELLINGS AND ERECT FOUR 3 BEDROOM TERRACE HOUSES AND SUBDIVIDE – DEVELOPMENT APPLICATION (U00-01100)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the application be deferred and the applicant be invited to submit amended plans addressing the issues raised in the officers report dated 30 November 2000, and that the applicant further investigate the provision of vehicle access to the rear of the proposed town houses from Ralph Street.

Carried.

**8. MARRIOTT STREET, NO. 105, REDFERN – DEMOLITION OF EXISTING COTTAGE AND SHED AND ERECTION OF SIX TWO BEDROOM TOWNHOUSES – DEVELOPMENT APPLICATION (U99-01320)**

Application deferred to the first meeting of the Planning and Development Committee to be held in 2001, as requested by applicant in fax dated 6 December 2000.

Carried.

**GENERAL MANAGER**

9.

**MOORE PARK ROAD, NO. 3, CENTENNIAL PARK – ALTERATIONS AND ADDITIONS TO THE REAR OF DWELLING – DEVELOPMENT APPLICATION (U00-00077)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council grants a deferred commencement consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Distinctive Design Pty Ltd , for partial demolition and additions to an existing dwelling. The consent shall not operate until the applicant has provided details and plans showing how it is proposed to comply with conditions 6, 7, 8 and 9 which shall be submitted within six months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building:
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1633.50 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$160, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (3) That the development shall be generally in accordance with plans numbered 9905 DA01A, DA.02 and DA.03 (dated 24 November 2000) in conjunction with DA 01B, dated 25 April 2000;
  - (4) That the proposed northern elevation first floor bathroom window shall be opaque;
  - (5) That the new front fence shall not exceed a height of 1800mm constructed of brick piers with infill brickwork panels to a maximum height of 1200mm then timber panelling to the maximum height of 1800mm;

**GENERAL MANAGER**

- (6) That a 1800mm solid masonry fence, measured from the floor height of the terraces, shall be constructed along the western and eastern boundaries;
- (7) That the family room/kitchen and adjoining terrace area shall be stepped down 1000mm, then step up to the roof terrace over the garage;
- (8) That the proposed brickwork shall match the existing brickwork, to be detailed with the application for a Construction Certificate;
- (9) That non-transparent screening to the height of 1800mm shall be provided between the two rear garden terraces, measured from the floor height of the terrace over the garage;
- (10) That the existing side passage fence shall be retained where possible;
- (11) That noise and vibration from the use and operation of any plant equipment and/or building services associated with the premises shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act, 1975;
- (12) 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;
- (13) 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;
- (14) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (15) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater drainage system, in accordance with Council's requirements;
- (16) That 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

**GENERAL MANAGER**

- fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include construction details. The plans shall be approved by the Director of Public Works and Services prior to the approval of the construction certificate;
- (17) That the minimum soil depth for planting on any slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. These dimensions shall include 75mm depth for mulch and a suitable waterproofing and drainage layer;
- (18) That the landscaping works shall be to the satisfaction of the Parks Development Branch (ring to arrange a final inspection), prior to issuing an occupation certificate;
- (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 proposed work shall be wholly within the boundaries of the site;
- (21) 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;
- (22) That the applicant shall comply with the following conditions 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 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;
  - (b) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
  - (c) 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;

- (d) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
  - (e) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
  - (f) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
  - (g) 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;
  - (h) 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;
  - (i) That the proposed swimming pool shall comply fully with the Swimming Pools Regulation – 1992;
  - (j) Balustrades shall comply fully with the requirements of Part 3.9.2 of the B.C.A.;
- (23) That all relevant sections of the BCA shall be complied with;
- (24) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (25) That a 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;
- (26) 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;

- (27) 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;
- (28) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (29) That the proposed side boundary wall shown on the approved plans shall not be built as a party wall but the proposed extension shall be wholly located within the boundaries of the allotment unless consent of adjoining owner is submitted to Council;
- (30) 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);
- (31) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (32) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (33) That the demolition work shall comply with Australian Standard 2601-1991;
- (34) 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;
- (35) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (36) That where a structural member is subject to attack by subterranean termites provision shall be made for:-
  - (i) Physical barriers in accordance with AS 1694;
  - (ii) Soil treatment in accordance with B1.3 of the BCA and AS 2057;

**GENERAL MANAGER**

- (37) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (38) That all building work must be carried out in accordance with the provisions of the Building Code of Australia.

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

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

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

- (i) has been informed in writing of the licensee's name and contractor licence number, and
- (i) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or

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

- (i) has been informed in writing of the person's name and owner-builder permit number, or
- (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act,

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

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

- (40) That a certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a

person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part;

- (41) 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;
- (42) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (43) That where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with part 3.1.3 of the BCA;
- (44) 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;
- (45) That the openings in the external walls closer than 900mm from a side boundary shall be protected by non-openable fire windows or other construction with an FRL of not less than -/60/- or self-closing solid core doors not less than 35mm thick, in accordance with Part 3.1.1.5(b) of the BCA;
- (46) 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;
- (47) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties.

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

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

**GENERAL MANAGER**

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.

10.

**COMMITTEES – WILLIAM STREET REVITALISATION STRATEGY –  
DRAFT MASTER PLAN – POST EXHIBITION REPORT (2013541)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That Council:-

- (1) endorse the William Street Revitalisation Strategy;
- (2) amend Development Control Plan 1997: Urban Design in accordance with Section 51A of the Environmental Planning & Assessment Act, 1979, and the Environmental Planning & Assessment Regulation 2000, incorporating the building design guidelines and controls contained in the Strategy into Parts E and G;
- (3) prepare a report for consideration by the Planning and Development Committee detailing the proposed amendments to Development Control Plan 1997: Urban Design, prior to exhibition;
- (4) prepare a further report detailing proposed public domain improvements and associated funding following the determination of the proposed Cross City Tunnel Project by the Minister for Urban Affairs and Planning.

(DPB Report 21.11.00)

At the request of Councillor Bush, and by consent, the report submitted by the Director of Planning and Building dated 8 December 2000 to Council, be received and noted.

Motion, as amended by consent, carried.

**GENERAL MANAGER**

11.

**OXFORD STREET, NOS. 261 – 263, PADDINGTON – REDEVELOPMENT  
OF ST JOHN'S CHURCH SITE – DEVELOPMENT APPLICATION  
(U00-00988)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Shaw:-

- (A) That the Council as the responsible authority refuses its consent to the Development Application submitted by Carol Baker with the authority of the Uniting Church in Australia, for restoration and conversion of St. John's Church and the old manse for business purposes, the renovation and extension of the new manse to create two flats, and the erection of a residential flat building containing seven units at the rear of the site with excavated parking and services with subdivision, for the following reasons, namely:-
- (1) That the proposed above ground structures in front of the old manse adversely affect the views of the heritage items, contrary to the intentions of Development Control Plan No.6;
  - (2) That commercial garbage handling facilities are inadequate and unacceptable and are likely to lead to garbage and garbage containers being left on the forecourt;
  - (3) That the proposed excavation at the front of the site is excessive in terms of the size of the open air café/restaurant above and gives rise to requirements for egress which cannot be satisfied without adversely affecting the heritage value of the site;
  - (4) That the presence of an open air café in the forecourt could give rise to a requirement for shading structures to permit their use in bad weather, with adverse effects on the visual presentation of the heritage items;
  - (5) That in view of the difficulties of servicing and providing parking on site, the proposed commercial component and in particular the proposed restaurant in the Church Hall is considered to be an over development;
  - (6) That the proposed restaurant in the Church Hall will adversely impact on the amenity of residents in Regent Street and Renny Lane/Street as well as residents of the development;
  - (7) That the need to mechanically ventilate buildings in particular the proposed restaurant in the Church Hall will adversely impact on the heritage significance of the buildings.

**GENERAL MANAGER**

- (8) That the proposed new residential building would cast additional shadow on properties backing onto Renny Lane, contrary to the terms of Development Control Plan No.6;
  - (9) That inadequate usable communal open space is provided for residents;
  - (10) That the setback of the proposed residential building from Renny Lane is inadequate;
  - (11) That the "silo" lift shaft provides an additional and unnecessary shadow and is out of character with buildings in the vicinity and should be set back and integrated with the proposed building;
  - (12) That the extension at the rear of the new manse, by being constructed to the Renny Lane boundary, will affect the appearance of Renny Lane;
  - (13) That the proposed residential flats would adversely affect the privacy of properties on Renny Lane by virtue of their height and setback.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

(Councillors Lay and Harcourt requested that their names be recorded as voting against the foregoing motion.)

**12.**

**BOURKE STREET, NOS. 782 – 822, WATERLOO – CONSTRUCTION OF 407 RESIDENTIAL UNITS, 392 SQM OF RETAIL SPACE, ASSOCIATED OPEN SPACE AND PARKING – DEVELOPMENT APPLICATION (U00-00916)**

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Meriton Apartments Pty Ltd, to construct 407 residential units, 392 sqm of retail space, associated parking and open space, subject to the following conditions, namely:-
- (1) That a detailed roof/landscape plan shall be submitted indicating the treatment of the communal terrace areas on the roof of buildings. The plans shall include sufficient provision for shading;

**GENERAL MANAGER**

- (2) That additional details shall be provided showing the provision of screening of balconies and private open space for the units in Block E;
- (3) That details of the location of the required 10 x 1.5m bins for domestic refuse are to be provided;
- (4) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$671,550 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;
- (5) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$81, 400, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (6) Part A

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space/LGA Works Programme	\$ 152,518	2E97003.BGY0
Open Space/Green Square Accessibility And Transport	\$1,628,769	2E99001.BGY0
Road Infrastructure/ Green Square	\$ 4,572	2E97006.BGY0
Community Facilities/ Green Square	\$1,388,598	2E99006.BGY0
Management	\$ 201,878	2E99004.BGY0
	\$ 11,744	2E97007.BGY0
Total	\$3,388,079	

The above payments, with the exception of the land acquisition components and Management, will be adjusted according to the

relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual valuations.

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

where:

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

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

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

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

#### Part B

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

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

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

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

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

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

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

Contribution Category	Amount	Account
Multi-Function Administration Centre 2E97008.BGY0	\$226,860	

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

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

where:

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

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

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

- (8) In accordance with Clause 27Q of Local Environmental Plan 1998 (Amendment No.6) - Green Square, and before issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the Department of Urban Affairs and Planning, Central Corporate Services Unit Cashier (10 - 11.30am Level 15, Governor Macquarie Tower, 1 Farrer Place Sydney 2000 or 2 - 2.30pm Level 2, Bligh House, 4 – 6 Bligh Street Sydney 2000), or a bank guarantee in favour of the Department of Urban Affairs and Planning to the value of the required contribution has been lodged. The contribution shall be \$2548370 based on the in lieu monetary contribution rate for residential development at \$66 per square metre of total floor area 38,481m<sup>2</sup> square metres (or/and in lieu monetary contribution rate for non-residential development at \$22 per square metre of total floor area 392m<sup>2</sup> square metres). Contributions may be indexed in accordance with the formula set out below.
- (ii) Before the issue of an Occupation Certificate under the Environmental Planning and Assessment Act, 1979, the applicant must provide evidence that the bank guarantee referred to in (i) above has been redeemed as payment of this contribution. If the contribution is paid after 1 March of the year in which the consent is granted, the amount of the contribution will be indexed in accordance with the formula set out below.

#### NOTES:

- Form A - Bank Guarantees must be lodged with the Housing Market Team, Level 16, Governor Macquarie Tower, 1 Farrer Place Sydney 2000
- All Form's B & C – Bank Cheques to be lodged with cashier at:

10 – 11.30am	2 – 2.30pm
Level 15	Level 2
Governor Macquarie Tower	Bligh House
1 Farrer Place	4 – 6 Bligh Street
Sydney 2000	Sydney 2000

- The contributions will be adjusted accordingly on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.

**GENERAL MANAGER**

Contributions at Time of Payment =  $C \times \text{HPI } 2 / \text{HPI } 1$ , where:

C is the original contribution amount as shown above;

HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and

HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of the consent being the 6 December, 2000.

- (9) That the maximum number of resident car spaces shall be 307 with each two and three bedroom unit being allocated one parking space each. Visitor spaces shall total 70, these to be kept available for the exclusive use of visitors, tradesmen and the like, and shall be clearly indicated with appropriate marking and signage. No more than 5 car parking spaces shall be allocated to the retail/commercial uses and 13 to the Administration Building, with their use clearly indicated with appropriate marking and signage;
- (10) That before entering a purchase/lease/occupancy agreement, all occupiers and tenants of the development are to be advised by the owner of the building and owners of the individual units once on-sold, that residents are not eligible to participate in existing or future on-street resident parking schemes. A sign to this effect shall be located in a prominent place, to Council's satisfaction, such as on a directory board or notice board, where it can be easily be observed and read by persons entering the building. This exclusion is to appear on Section 149 Certificates of the EP&A Act (1979);
- (11) That bicycle parking shall be designed in accordance with DCP 11: Transport Guidelines for Development and Australian Standards 2890.3. Bicycle parking for residents shall be provided in the form of at least 136 individual lockers (Class 1 facilities of AS2890.3) in safe locations easily accessible to James Street on the Ground Floor. Bicycle parking for visitors and retail users shall be in the form of at least 41 inverted U-stand spaces (Class 3 facilities of AS2890.3) provided at convenient, surveillable and clearly signed locations in the ground-level basement car park and in the internal courtyard;
- (12) That the car park shall be designed in accordance with AS2890 Parking Facilities - Part 1: Off-Street Car Parking and South Sydney DCP No.11 - Transport Guidelines for Development;
- (13) That pedestrian safety at the driveway shall be addressed through provision of:

- (a) A driveway consisting of 2 x 3.0m lanes separated by a 2.0m wide refuge at pedestrian/bicycle desire lines in the open space corridor, and by a concrete divider inside the building line;
- (b) Provision of fish-eye mirrors on the walls inside the building line to give motorists a better view of approaching pedestrians and cyclists.
- (c) Provision of signs advising motorists to give-way to footpath users;
- (d) Provision of speed humps at the building line and along the alignment of the footpath edges to slow approaching vehicles.
- (e) Materials used for the driveway shall be the same as used for the north-south corridor except for pedestrian/bicycle crossing zones which shall be contrasting materials to highlight the footpath crossing.

Note: For safety reasons, the future driveway indicated on the opposite side of North-South Road should be relocated to provide at least 6m separation from the Precinct J driveway, as is illustrated in Figure 3.1 Prohibited Driveway Locations of AS2890.1 (1993).

- (14) That the entrances to each commercial premises, circulation spaces and facilities associated with them shall be designed for equitable and dignified use by people with disabilities in accordance with Council's Equitable Access Design Policy. Similarly the internal courtyard shall be independently accessible on at least 2 sides by people with disabilities in accordance with the Equitable Access Design Policy;

Note: Development and building approvals are assessed in accordance with relevant building laws and Council development controls. Irrespective of any requirements, directives, suggestions and conditions imposed by Council, it remains the responsibility of the developer, designer or builder to investigate their possible liability and compliance with the Disability Discrimination Act. A conservative, best-practice approach such as adherence to the Advisory Notes on Access To Premises by the Human Rights and Equal Opportunity Commission (on which Council's Equitable Access Design Policy is based), may be the best defense against potential action until an accepted industry standard is available.

JH 29/11/00

- (15) That a site audit statement relating to the entire parcel of land known as Lot 11, DP1004914 shall be submitted to Council following:
- Full remediation of the entire site (described as former ACI site); and,
  - Compliance with all conditions imposed on partial site audit statements.
- (16) That the site audit statement will be required to clearly certify that conditions on partial site audit statements have been complied with and that the site is suitable for the use;
- (17) That there shall be strict compliance with the conditions contained in Site Audit Statement No. SA5/6 prepared by CM Jewell & Associates dated 30 June 2000. The conditions reproduced hereunder shall be certified as being complied with by the author EPA accredited auditor prior to the issue of occupation certificates:
- This site audit statement should be used in conjunction with the accompanying Summary Site Audit Report, which contains important supporting information.
  - Areas of stage 2 external to building footprints and not covered by pavement shall be capped with at least 500 millimetres of soil validated as meeting the open space criteria listed in Table 2 of the attached summary site audit report.
- (18) That areas of land to be dedicated to Council shall be subject of a management plan that ensures the integrity of the capped areas referred to in Site Audit Statement # SA5/6. The plan shall be developed and implemented by the proponent at the proponent's expense. The plan and all aspects associated with it shall be to the satisfaction of Council and endorsed by an EPA accredited auditor as appropriate prior to the dedication of land;
- (19) That community open space not dedicated to council shall be subject of a management plan that ensures the integrity of the capped areas referred to in Site Audit Statement # SA5/6. The plan shall be developed and implemented by the proponent at the proponent's expense. The plan and all aspects associated with it shall be endorsed by an EPA accredited auditor as fit for purpose. The management plan shall be incorporated into the relevant strata by laws prior to the release of the strata by Council;
- (20) That the applicant and/or builder shall prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable

site practices to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include:

- Siltation fencing
  - Protection of the public stormwater system; and,
  - Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.
- (21) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668, Parts 1 and 2;
- (22) That the car park shall be ventilated in accordance with AS1668.1-1998 and AS1668.2-1991, Section 4;
- (23) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (24) That the applicant shall provide a system of on-site stormwater detention to comply with the discharge rate and storage volume specified by Sydney Water in the "ACI site, Waterloo, Stormwater Management Plan" report prepared by Jeff Mouldsdale & Associates Pty Ltd. Dated July 1999. A Council registered stormwater certifier prior to the issue of the Construction Certificate shall approve all details (existing and proposed) of the on-site detention system;
- (25) That any private connection to Council's future asset such as drainage pit and/or stormwater pipe shall be set up in the form of a Positive covenant, on the land title that contains the stormwater detention facility, under Section 88B of the Conveyancing Act, 1919. A separate application must be made to the Director of Public Works & Services prior to the issue of the Construction Certificate;
- (26) That all habitable floor levels are to be amended where necessary so that they are set a minimum of 300mm above the designed Overland flow path in North South Avenue;
- (27) That the applicant shall amend floor levels for the retail outlets and lobby area fronting Lachlan Street and North South Avenue to take into account Council's design requirement for the footway crossfall;
- (28) That before entering a purchase/ lease/ occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in on-street

resident parking schemes. A sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a director board or notice board, where it can easily be observed and read by persons entering the building;

- (29) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb, gutter, pavement, footpath paving, landscaping, drainage, street furniture and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Work and Services;
- (30) That all materials and finishes are to be in accordance with Council's Streetscape Masterplan.
- The North South Avenue - full width paving pre cast unit paving.
  - Lachlan St - pre cast unit paving banding and trim with asphalt infill panels
  - New Cross Street - Asphalt panels and pre cast unit trim.
- (31) That the applicant shall plant the following street trees
- Lachlan Street - Lophostemon confertus
  - North South Avenue - Magnolia grandiflora as a feature trees on the corner of Lachlan and the North South Avenue and the remainder of the North South Avenue is to be Eucalyptus saligna to provide a continuous North South link to Victoria Park in the south.
- (32) That each dwelling shall have a solar hot water heating system (electric or gas boosted). For each one bedroom and two bedroom dwelling, the solar hot water heating system shall have a tank with a capacity of 180 litres (one panel system) and for each three bedroom dwelling, the heating system shall have a tank with a capacity of 300 litres (2 panel system)

(Note: Council may vary this requirements pursuant to section 96 of the Environmental Planning and Assessment Act 1979 where the subdivision layout and orientation of dwelling precludes a workable solar hotwater heating system. A heating system with a minimum energy star rating of 3.5 stars shall serve as a replacement system)

A statement from a suitably qualified energy adviser shall be submitted with the Construction Certificate, indicating the suitability of the solar hot water heating system in terms of

orientation, location and capacity, and confirming compliance with Condition no. of above conditions.

- (33) That the development shall be generally in accordance with plans numbered 99062/ADA Z0001 Rev B, 99062/ADA Z1000 Rev E, 99062/ADA Z1001 Rev E, 99062/ADAZ1002 Rev E, 99062/ADA Z1003 Rev E, 99062/ADA Z1004 Rev D, 99062/ADA Z1005 Rev D, 99062/ADA Z1006 Rev D, 99062/ADA Z1007 Rev D, 99062/ADA Z1008 Rev D, 99062/ADA Z1009 Rev D, 99062/ADA Z1010 Rev D, 99062/ADA/ Z1011 Rev D, 99062/ADA 1012 Rev D, 99062/ADA/ Z1013 Rev D, 99062/ADA/ Z1014 Rev D, 99062/ADA Z1015 Rev D, 99062/ADA Z1016 Rev D, 99062/ADA Z1017 Rev D, 99062/ADA Z1018 Rev E, 99062/ADA Z2001 Rev H, 99062/ADA Z2002 Rev H, 99062/ADA Z2003 Rev H, 99062/ADA Z2004 Rev H, 99062/ADA Z2005 Rev H, 99062/ADA Z2006 Rev H, 99062/ADA Z2007 Rev H, 99062/ADA Z2008 Rev H, 99062/ADA Z2009 Rev G, 99062/ADA Z2010 Rev G, 99062/ADA Z2011 Rev G, 99062/ADA Z2012 Rev G, 99062/ADA Z2013 Rev H, 99062/ADA Z2014 Rev H;

- (34) That a separate DA shall be lodged for use of the ground floor tenancies;

Note: This approval does not cover the North South Linear Park adjacent to North South Avenue.

- (35) That a Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 in respect of the proposed development shall be submitted to Council prior to issuing a construction certificate. Sydney Water may require you to construct works and/or pay developer charges. Accordingly, you shall make immediate application to avoid problems in servicing your development;
- (36) That any external glazing shall have a reflectivity not exceeding 20%;
- (37) That a detailed landscape plan and specification for the site, prepared by a qualified Landscape Architect or designer shall be submitted to the Director of Public Works and Services prior to or with the application for a construction certificate. The plan shall nominate hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, pergolas and fencing, existing and proposed critical levels, drainage, planting types and species, plant numbers and sizes (container size and height - minimum plant sizes are to be 75 litres for trees and 5 litres for shrubs) and irrigation. The plans shall include construction details. The plans shall be approved by the Director

of Public Works and Services prior to the approval of the construction certificate;

- (38) That the developer/owner shall provide street trees (new and infill) in accordance with the Council's Street Tree Masterplan (1996). The trees shall be a minimum of 75 litre container size, a minimum of 75mm caliper and shall be planted 10m apart, and shall be planted prior to issuing an occupation certificate;

and the following adopted conditions:

- (39) Stormwater Connection Fee<sup>5</sup>
- (40) Consolidate Lots<sup>122</sup>
- (41) Street Number Application<sup>123</sup>
- (42) Display Street Number<sup>124</sup>
- (43) Builders Hoarding Permit<sup>1008</sup>
- (44) Shoring<sup>1012</sup>
- (45) Alignment Levels<sup>1016</sup>
- (46) Car Wash Bay<sup>3008</sup>
- (47) Disabled Entry<sup>3024</sup>
- (48) Road Opening Permit<sup>3025</sup>
- (49) Cost of Signposting<sup>3026</sup>
- (50) Footway Crossing<sup>3028</sup>
- (51) Obstruction of Public Way<sup>3029</sup>
- (52) Construction Traffic<sup>3030</sup>
- (53) Traffic and Pedestrian Management<sup>3031</sup>
- (54) Delivery of Construction Materials<sup>3032</sup>
- (55) Stormwater Standard<sup>4001</sup>
- (56) Clean Water Discharge<sup>4002</sup>
- (57) Connection to Council's Stormwater System<sup>4005</sup>
- (58) Garbage on Public Way<sup>6001</sup>

- (59) Refuse Skips<sup>6002</sup>
  - (60) Position of Garbage Area<sup>6005</sup>
  - (61) Recycling<sup>6007</sup>
  - (62) Storage/Garbage<sup>6009</sup>
  - (63) Garbage/Recyclable Material Room<sup>6010</sup>
  - (64) Drainage Design Certificate<sup>9011</sup>
  - (65) Stormwater Certificate at Completion<sup>9016</sup>
  - (66) Comply With BCA<sup>9104</sup>
  - (67) Construction Hours<sup>9151</sup>
  - (68) Works Within Boundary<sup>9152</sup>
  - (69) Work on Public Way<sup>9154</sup>
  - (70) Construction Certificate Required<sup>9155</sup>
  - (71) Comply With the WorkCover Authority<sup>9105</sup>
  - (72) On Slab Planting<sup>5013</sup>
  - (73) Maintenance of Landscaping<sup>5014</sup>
  - (74) Final Inspection<sup>5015</sup>
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (C) That the Director of Planning and Building write to the Minister for Planning regarding a change of policy with respect to affordable housing and levy payments for developments in the South Sydney Council area.

At the request of Councillor Mallard, and by consent, the motion was amended by the addition of a Clause (D) to the recommendation, namely:-

- (D) That all further Development Applications on the ACI site be notified to Redfern Community Concern and public consultations to be held by South Sydney Council during assessment of the major Development Applications in Ron Williams Activity Centre in Kepos Street, Redfern.

Motion, as amended by consent, carried.

**GENERAL MANAGER**

13.

**MOUNTAIN STREET, NOS. 2 – 14, ULTIMO – CONVERSION OF EXISTING 3 STOREY WAREHOUSE BUILDING FOR STUDENT ACCOMMODATION INCLUDING TWO RETAIL OUTLETS AND ASSOCIATED PARKING – DEVELOPMENT APPLICATION (U00-00133)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

(A) That the Council as the responsible authority grants its consent to the development application submitted by Joshua Farkash and Associates, with the authority of U P Harkham, for permission for the conversion of an existing building for use for student accommodation and two shops, subject to the following conditions, namely:-

(1) That the development shall be generally in accordance with plans numbered DA01, CC02D, CC03C, CC04C and CC05D all dated 2 May 2000;

(2) 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;

(3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$4,000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

(4) Part A

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
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Open Space: LGA Works		
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**GENERAL MANAGER**

Programme	\$17340	2E97003.BGY0
Open Space: New Parks	\$83103	2E97009.BGY0
Accessibility And Transport	\$ 516	2E97006.BGY0
Management	\$ 1294	2E97007.BGY0
Total	\$102,253	

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 - September Quarter.

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

Payment shall be made before the use is commenced.

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

The above calculation is made on the basis of 82 bedrooms and 3 shop workers with an allowance of 28 workers for the existing floor space.

#### 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

**GENERAL MANAGER**

documentation and detailed cost estimates of the works based on established industry standards.

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

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

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

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

(5) That as per the offer by the applicant/developer, and included in the application for public domain improvements to the site, and in support of the intensity of development proposed, the applicant/developer shall bear the cost of approval, design and construction of enhancement of the existing cul-de-sac and open space in Mountain Street:

(a) The works shall be broadly as per Drawing L1 of Project 99.9243 dated January 2000 by Joshua Farkash & Assoc, and include provision of all necessary hard and soft landscaping, street furniture and lighting, kerbworks and driveways, parking control marking and signage, services relocation and drainage adjustments, etc to the satisfaction of Council. The works shall have an indicative value of \$150,000, as based on Council approved unit rates. The Open Space component of the Section 94 contributions as documented in Condition (3) of this consent, shall be off-set against the value of these works

(b) The applicant shall be responsible for:

**GENERAL MANAGER**

- (i) refinement of the design to be carried out in consultation with Council officers;
  - (ii) any approvals, if considered necessary, by authorities such as by the South Sydney Traffic Committee;
  - (iii) Surveyed base plans and detailed design prepared by a qualified person or company to Council's specifications and endorsed in writing by Council's Public Works and Services Department;
  - (iv) Lodgment of a Bank Guarantee with Council prior to the issue of the Construction Certificate of an amount considered appropriate by the Director of Public Works and Services to ensure that the works are completed to Council's satisfaction;
  - (v) Construction of the works in accordance with Council specifications and terms negotiated with the Director of Public Works and Services, and payment of any supervision/inspection charges of Council.
- (c) The issue of the Construction Approval shall be conditional on the completion of these processes, or an alternative timeframe and conditions negotiated and agreed in writing by Council. The scope and value of the works, including works-in-kind to be off-set against S94 Contributions shall be in accordance with standard practice outlined in Section 10.1 of the Section 94 Contributions Plan, and shall be formally agreed to by Council before any building work is carried out on the site.
- (d) If for any reason these works not prove possible or are reduced during the design or approval processes, alternative works of similar value shall be provided in that area of Ultimo at the discretion of the Director of Planning and Building;
- (6) That the retail spaces and public domain shall be designed and built in accordance with Council's Equitable Access Design Policy. Note that development and building approvals are assessed in accordance with relevant building laws and Council development controls. Irrespective of any requirements, directives, suggestions and conditions imposed by Council, it remains the responsibility of the developer, designer or builder to investigate their possible liability and compliance with the Disability Discrimination Act. A conservative, best-practice

approach such as adherence to Advisory Notes On Access To Premise by the Human Rights and Equal Opportunities Commission (on which Council's Equitable Access Design Policy is based), may be the best defence against potential action until an accepted industry standard is available;

- (7) That the building shall contain not more than 82 students rooms, of which not less than three on the ground floor shall be equipped with facilities suitable for the disabled;
- (8) That no student rooms shall contain more than one single bed;
- (9) That the building shall not be used as a private hotel or backpackers hostel but as a hostel for students connected with a tertiary educational establishment in Sydney only;
- (10) That a separate development application shall be lodged for the specific use of the shops;
- (11) That one kitchen shall be maintained on each floor, for the use of residents;
- (12) That the applicant is advised that in the event that a resident parking scheme is introduced in the area, residents of the building will not be eligible for resident parking permits;
- (13) That a loading bay of dimensions not less than 3.3 by 7m shall be provided with access from Blackwattle Lane;
- (14) That façade brickwork shall not be painted, coated or rendered, and where the existing brickwork has been painted, this paint shall be removed;
- (15) That where the existing roller shutter is to be infilled, the lintel shall remain and the brickwork be recessed, so that it can be interpreted as a former loading dock access;
- (16) That the heads of new windows shall be at existing lintel level;
- (17) That the new balcony structure, external stair and colour railings is to be painted in a dark recessive colour;
- (18) That roof perimeter railings shall be set back from the parapet by not less than one metre;
- (19) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Australian Standard 1668, Parts 1 and 2;

**GENERAL MANAGER**

- (20) That seven off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (21) That the car spaces shall be allocated on the basis of five for residents and one for each shop;
- (22) That the lockable bicycle storage racks shall be provided at the rate of one for each three residents;
- (23) That access to the building for people with disabilities shall be provided by a ramp having a grade of not more than 1 in 14;
- (24) That the construction, fitout and finishes of any proposed food premises shall comply with Food (General) Regulation, 1997 and the National Code for the Construction and Fitout of Food Premises.
- (25) That any proposed food premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with Australian Standard 1668, Parts 1 and 2.
- (26) That the storage and handling of garbage shall comply with the requirements of Council's "Waste Management/Minimisation Fact Sheets";
- (27) That the 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".
- (28) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the *Protection of the Environment Operations Act, 1997*.
- (29) The use of the premises shall not give rise to:
- Transmission of 'offensive noise' to any place of different occupancy, and,
  - A sound pressure level at any affected premises that exceeds the background ( $L_{A90}$ ) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an  $L_{A10, 15min}$  and adjusted in accordance with EPA guidelines for tonality, frequency

- weighting, impulsive characteristics, fluctuations and temporal content, and,
- A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Environmental Noise Control Manual; or,
  - A sound pressure level at any effected premises that exceeds the NSW, EPA recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises. (NSW, EPA Draft Stationary Noise Source Policy).
- (30) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or a certifying authority for approval prior to the issue of a Construction or Occupation Certificate:
- (i) all proposed mechanical ventilation systems;
  - (ii) all required mechanical ventilation systems;
  - (iii) the garbage room;
  - (iv) the recycling storage area;
  - (v) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to any proposed food premises.
- (31) That the existing and proposed work shall comply with Type A construction in accordance with the requirements of specification C1.1-3 of the BCA;
- (32) That access for people with disabilities shall be provided in accordance with part D3 of the BCA;
- (33) That natural light and ventilation shall be provided in accordance with requirements of part F54 of the BCA;
- (34) That the retail area shall be separated from residential area in accordance with Clause C2.8 of the BCA;
- (35) That details of proposed works on the public way in Mountain Street shall be submitted to the Director of Public Works and Services for the approval of the South Sydney Traffic Committee prior to release of the certificate of occupation;
- (36) That drainage plans prepared by a drainage consultant certified by the Council shall be submitted with the application for a construction certificate;
- (37) That the developer shall prepare a traffic management plan detailing the proposed restrictions to traffic movement in streets adjoining the site prior to occupation of the building;

(38) That the developer shall lodge a bank guarantee for the estimated construction cost of all works on adjacent roads which result from the conditions of this consent. The estimate for this guarantee shall be prepared by a practicing quantity surveyor, having in mind the requirements of the Council the RTA, State Transit Authority, Public Utility Services and Sydney Water and the guarantee shall be for a value compounded at a rate of 7% from the time of preparing the estimate to the anticipated date of completion. The Developer may request a decrease in the amount of the bank guarantee as sections of the work are completed;

(39) That all access for demolition shall be off Kelly Street;

and the following adopted standard conditions:

- (40) Construction Noise<sup>7008</sup>
- (41) Commercial Garbage Storage<sup>6004</sup>
- (42) Emissions<sup>7004</sup>
- (43) Sewer Discharge<sup>8004</sup>
- (44) Trade Waste (Daily Removal)<sup>7064</sup>
- (45) Recycling<sup>6007</sup>
- (46) One Television Aerial<sup>114</sup>
- (47) Construction of Widened Roadway – Costs<sup>1001</sup>
- (48) Separate Application for Signs<sup>2001</sup>
- (49) Loading Within Site<sup>3014</sup>
- (50) Loading/Parking kept clear<sup>3016</sup>
- (51) Disabled Entry<sup>3024</sup>
- (52) Works on Public Way Cost<sup>1002</sup>
- (53) Paving<sup>1003</sup>
- (54) Alteration of Public Services<sup>1006</sup>
- (55) Builders Hoarding Permit<sup>1008</sup>
- (56) Alignment Levels<sup>1016</sup>

- (57) Resident Parking Access<sup>3001</sup>
- (58) Cost of Signposting<sup>3026</sup>
- (59) Consequential Roadworks<sup>3027</sup>
- (60) Footway Crossing<sup>3028</sup>
- (61) Obstruction of Public Way<sup>3029</sup>
- (62) Construction Traffic<sup>3030</sup>
- (63) Traffic and Pedestrian Management<sup>3031</sup>
- (64) Stormwater Standard<sup>4001</sup>
- (65) Clean Water Discharge<sup>4002</sup>
- (66) Connection to Council's Stormwater System<sup>4005</sup>
- (67) Refuse Skips<sup>6002</sup>
- (68) Drainage Design Certificate<sup>9011</sup>
- (69) Works Within Boundary<sup>9152</sup>
- (70) Work on Public Way<sup>9154</sup>
- (71) Landscape Plan<sup>5001</sup>
- (72) Street Trees<sup>5008</sup>
- (73) On Slab Planting<sup>5013</sup>
- (74) Maintenance of Landscaping<sup>5014</sup>
- (75) Final Inspection<sup>5015</sup>
- (76) That the applicant shall comply with the following deemed-to-satisfy provisions of the BCA or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
  - (i) Compliance with Building Code of Australia<sup>8501</sup>
  - (ii) Change of Building Use<sup>8502</sup>
  - (iii) Notification of Contractors Licence Details<sup>9110</sup>

- (iv) Hours of Work and Use of Cranes<sup>9153</sup>
- (v) Construction Certificate Required<sup>9155</sup>
- (vi) Building/Demolition Noise Control<sup>9156</sup>
- (vii) Maintain Existing Building in a Stable Condition<sup>9157</sup>
- (viii) Works to be Within Allotment Boundaries<sup>9159</sup>
- (ix) Demolition to Comply With Aust Standard<sup>9163</sup>
- (x) Protection of Openings in Lift Shafts<sup>9314</sup>
- (xi) Fire Doors to Sole-Occupancy Units<sup>9315</sup>
- (xii) Service Access Openings in Walls<sup>9317</sup>
- (xiii) Services Passing Through a Floor<sup>9318</sup>
- (xiv) Protection of Roof Lights<sup>9321</sup>
- (xv) Material and Lining Fire Hazard Properties<sup>9327</sup>
- (xvi) Wall and Floor Penetration Protection<sup>9329</sup>
- (xvii) Glazing Provisions<sup>9330</sup>
- (xviii) Height of Travel Path in Exit<sup>9403</sup>
- (xix) Discharge From Exits<sup>9407</sup>
- (xx) Requirements for Non-Required Stairways/Ramps/  
Escalators<sup>9408</sup>
- (xxi) Installations in the Path of Travel to an Exit<sup>9414</sup>
- (xxii) Width of Stairs and Vertical Clearance<sup>9418</sup>
- (xxiii) Exit Doors Installed in a Path of Travel to an Exit<sup>9421</sup>
- (xxiv) Portable Fire Extinguishers be Installed<sup>9501</sup>
- (xxv) Hose Reels be Installed<sup>9506</sup>
- (xxvi) Hydrants be Installed<sup>9507</sup>
- (xxvii) Installation of sprinkler system<sup>9510</sup>

- (xxviii) Emergency lighting<sup>9518</sup>
- (xxix) Exit signs<sup>9519</sup>
- (xxx) Directional signs<sup>9520</sup>
- (xxxi) Emergency warning and intercommunication system<sup>9521</sup>
- (xxxii) Fire detection and alarm system<sup>9522</sup>
- (xxxiii) Protection of walls and floors in wet areas<sup>9601</sup>
- (xxxiv) Damp and weather proofing<sup>9606</sup>
- (xxxv) Ceiling heights of rooms or spaces<sup>9612</sup>
- (xxxvi) Mechanical ventilation to internal bathrooms and laundries<sup>9616</sup>
- (xxxvii) Sound transmission classes of walls<sup>9617</sup>
- (xxxviii) Sound transmission classes of walls dividing wet areas<sup>9618</sup>
- (xxxix) Sound transmission classes of floors<sup>9619</sup>

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

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

NOTE: The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for breach of a condition, or *Protection of the Environment Operations Act, 1997* if sediment, including soil, excavated material, building materials or other materials are allowed 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 subcontractors 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.

**GENERAL MANAGER**

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

Carried.

14.

**FLINDERS STREET, NOS. 1 – 5, DARLINGHURST – 24 HOUR TRADING, 7 DAYS PER WEEK FOR EXISTING HOTEL AND NIGHT CLUB – DEVELOPMENT APPLICATION (U00-00753)**

That the development application submitted by Steingold Abel Lawyers, with the authority of Ranglen Investments, to extend the hours of operation of the existing hotel to 24 hours per day, be deferred to the first meeting of the Planning and Development Committee to be held in 2001, as requested by applicant in fax dated 6 December 2000

Carried.

15.

**OATLEY ROAD, NO. 13, PADDINGTON – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A 48 UNIT RESIDENTIAL DEVELOPMENT WITH BASEMENT CAR PARKING – DEVELOPMENT APPLICATION (U00-00798)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

- (A) That the Council grants its deferred commencement consent pursuant to section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Nordon Jago Architects P/L on behalf of Contract Properties, PO Box 254, Annandale NSW 2000, with the authority of Contract Properties, to demolish existing buildings and erect a 48 unit residential development with basement car parking, subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 3 months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to lodging an application for a Construction Certificate:
- (a) Further detail regarding finishes and a photomontage of the proposal as seen from Oxford Street are required to be submitted to Council prior to the commencement of any work or demolition;

**GENERAL MANAGER**

- (b) The structural blades on the northern façade of level 2 of the proposal facing the southern reservoir wall, are to be replaced with standard screening;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$78,375 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 installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$9,500, or first installment (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 numbered plans DA01B to DA08B and DA09A to DA10A and DA12B and DA13B all dated October 2000 except for plans numbered DA01, DA08B, DA 12B and DA13B which are dated 23 October 2000;
- (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	\$28,524	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;

**GENERAL MANAGER**

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

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

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

(6) Part A

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$19,093	2E97003.BGY0
Open Space: New Parks	\$93,417	2E97009.BGY0
Accessibility And Transport	\$569	2E97006.BGY0
Management	\$1520	2E97007.BGY0
Total	\$114,599	

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

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

where:

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

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

**GENERAL MANAGER**

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

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

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

## Part B

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

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

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

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

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

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

**GENERAL MANAGER**

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

- (7) That an easement of minimum width 2.5m for maintenance and access/egress along the boundary adjoining the northern wall of the Paddington reservoir is to be created on the title prior to issuing an Occupation certificate. This is to enable ongoing maintenance of the reservoir structure to enable the protection of its structural stability and enable future use of existing openings within the reservoir for access and emergency egress;
- (8) That subject to access being provided by owners, dilapidation survey is to be conducted on all buildings on sites adjoining the subject site prior to excavation commencing. A report is to be submitted to Council's satisfaction prior to the release of the Construction Certificate;
- (9) That vibration limits on the reservoir and any other threatened neighbouring structures are to be established by a suitably experienced geo-technical engineer prior to the commencement of works on the site. Vibration monitoring is to be carried out continuously during site works, excavation and construction by a Geo-technical engineer, to ensure that vibrations do not exceed the specified limits;
- (10) That proposed excavations are to be kept away from the zone of influence of the reservoir footings as outlined in the Geotechnical Report prepared by Douglas Partners on 31 October 2000;
- (11) That prior to the commencement of work, the reservoir structure is to be temporarily supported as necessary in accordance with the requirements of a structural engineer. The applicant should be advised that the Engineers report outlining details of the temporary supports requires the approval of the NSW Heritage Council;
- (12) That the applicant is to be advised that there may be archaeological relics on the site including remnant water reticulation services associated with the Reservoir. Upon discovery any relics will require assessment by a qualified archaeologist which may require the need for an excavation Permit from the NSW Heritage Office;
- (13) That prior to the demolition of the existing buildings on site, the applicant is to provide details of the proposed restoration works to the southern wall of the reservoir to Council and the NSW Heritage Office for approval. No works are to be carried out on site until appropriate approvals are obtained from both Council and the NSW Heritage Office;

**GENERAL MANAGER**

- (14) That the applicant is to be advised that any proposed restoration works to the Reservoir wall or the demolition of buildings attached to the reservoir wall requires Heritage Council Approval under the Heritage Act 1977;
- (15) That details of external finishes and materials (including façade treatment) are to be submitted and approved by Council prior to the commencement of any work or demolition;
- (16) That an easement for drainage from the reservoir site to Renny Lane is to be created,
- (17) That visitor parking spaces are to be located adjacent to the vehicle entrance to the site;
- (18) That disabled parking spaces are to be minimum of 3.2m wide;
- (19) That columns in the car park are to be located 0.5m from the aisle to improve manoeuvring;
- (20) That the linen plan for strata subdivision shall provide for an easement for public right of way for the pedestrian link to Renny Lane, Oatley Road and the reservoir on the title prior to issuing an occupation certificate. This area shall be landscaped and maintained by the property owners;
- (21) That the driveway access outside the building be included in the public access easement in the same manner as the pedestrian links;
- (22) That the developer is to inform prospective residents that resident parking permits will not be issued to residents of the building in accordance with Council's Policy;
- (23) That before entering a purchase/ lease/ occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in on-street resident parking schemes. A sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;
- (24) That the owner/developer shall dedicate for road purposes, free of cost to Council, the variable width widening in Renny Lane as shown on DA02A dated July 2000, to be detailed in a plan of subdivision/consolidation of the land, to be registered at the Land Titles Office prior to issuing an Occupation Certificate;

- (25) That the entrance to the garbage storage area be fitted with a locking system in accordance with Council's existing system for Multi Unit Dwellings. Details are available from the Waste Services Operations Manager, Jason Elbourne, on 0414 616968;
- (26) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia or Local Government (Approvals) Regulations;
- (27) That the public access through the development linking Oatley Rd, Renny Lane and the reservoir, is to be appropriately lit to ensure the safety of pedestrian using the access at night;
- (28) That an easement for fire/emergency egress from the reservoir to the proposed car park is to be created on the title prior to the issuing of an occupation certificate;
- (29) That the southern wall adjacent to the proposed southern pedestrian access (between Renny Lane and the reservoir) is to be a minimum 1.8m high;
- (30) That the site is to be remediated and validated in accordance with the report prepared by Sinclair Knight Merz. Prior to the execution of works associated with the built form of the development (including infrastructure) a Site Audit Statement is to be submitted to Council clearly indicating that the site is suitable for the intended use;
- (31) That prior to the commencement of demolition activities an Environmental Management Plan (EMP) shall be developed and submitted to Council's Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include, but not be necessarily limited to, the following measures:
  - (a) measures to control noise emissions from the site;
  - (b) measures to suppress odours and dust emissions;
  - (c) soil and sediment control measures;
  - (d) measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos;
  - (e) community consultation;
- (33) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668 Parts 1 and 2;

- (34) That the car park shall be ventilated in accordance with AS1668 Parts 1 and 2 as applicable;
- (35) That the garbage/recyclable materials rooms shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (36) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or a certifying authority for approval prior to the issue of a Construction or Occupation Certificate:

(i)	All required mechanical ventilation systems.	Building Code of Australia and AS1668.1 & 2.
(ii)	Car park ventilation systems.	Building Code of Australia and AS1668.1 & 2.
(iii)	The location of exhaust and intake vents.	Building Code of Australia and AS1668.1 & 2.
(iv)	The garbage room.	SSCC Waste Management/ Minimisation Fact Sheets.
(v)	The recycling storage area.	SSCC Waste Management/ Minimisation Fact Sheets.

- (37) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act, 1997*;
- (38) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (39) That the applicants shall obtain a S73 Compliance Certificate from Sydney Water and a copy shall be submitted with the construction certificate application or, if work to comply with the requirements of Sydney Water is required as part of the development, prior to release of the linen plan;

and the following adopted standard conditions:

- (40) Comply With BCA<sup>9104</sup>
- (41) Construction Certificate Required<sup>9155</sup>
- (42) Building/Demolition Noise Control<sup>9156</sup>
- (43) Works to be Within Allotment Boundaries<sup>9159</sup>

**GENERAL MANAGER**

- (44) Excavations and Backfilling<sup>9160</sup>
- (45) Excavations and Backfilling Safely<sup>9161</sup>
- (46) Guarding of Excavations<sup>9162</sup>
- (47) Demolition to Comply With Aust Standard<sup>9163</sup>
- (48) Stormwater Connection Fee<sup>0005</sup>
- (49) Consolidate Lots<sup>0122</sup>
- (50) Street Number Application<sup>0123</sup>
- (51) Works on Public Way Cost<sup>1002</sup>
- (52) Alteration of Public Services<sup>1006</sup>
- (53) Builders Hoarding Permit<sup>1008</sup>
- (54) Shoring<sup>1012</sup>
- (55) Alignment Levels<sup>1016</sup>
- (56) Disabled Entry<sup>3024</sup>
- (57) Cost of Signposting<sup>3026</sup>
- (58) Consequential Roadworks<sup>3027</sup>
- (59) Footway Crossing<sup>3028</sup>
- (60) Obstruction of Public Way<sup>3029</sup>
- (61) Obstruction of Public Way<sup>3029</sup>
- (62) Delivery of Construction Materials<sup>3032</sup>
- (63) Stormwater Standard<sup>4001</sup>
- (64) Clean Water Discharge<sup>4002</sup>
- (65) Connection to Council's Stormwater System<sup>4005</sup>
- (66) Landscape Plan<sup>5001</sup>
- (67) Tree Preservation Order<sup>5005</sup>
- (68) Preserve Existing Trees<sup>5006</sup>

- (69) On Slab Planting<sup>5013</sup>
- (70) Final Inspection<sup>5015</sup>
- (71) Garbage on Public Way<sup>6001</sup>
- (72) Refuse Skips<sup>6002</sup>
- (73) Commercial Garbage Contract<sup>6003</sup>
- (74) Commercial Garbage Storage<sup>6004</sup>
- (75) Position of Garbage Area<sup>6005</sup>
- (76) Recycling<sup>6007</sup>
- (77) Noise<sup>7028</sup>
- (78) Drainage Design Certificate<sup>9011</sup>
- (79) Construction Hours<sup>9151</sup>
- (80) Works Within Boundary<sup>9152</sup>
- (81) Work on Public Way<sup>9154</sup>
- (82) Mechanical ventilation to internal bathrooms and laundries<sup>9616</sup>

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

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

**NOTE:** The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for a breach of a condition, or *Protection of the Environment Operations Act, 1997* for a pollution offense if sediment, including soil, excavated material, building materials or other materials are allowed 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 which results in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment

**GENERAL MANAGER**

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

It was further moved by Councillor Mallard, seconded by the Mayor, that the motion be amended by the addition of a Clause (C) and (D) to the recommendation, namely:-

(C) That through site link conditions be implemented.

(D) That the FSR Bonus be deleted.

Amendment negatived.

It was moved by Councillor Bush, seconded by Councillor Lay, that the application be approved subject to the addition of a Clause (C) to the recommendation, namely:-

- (C) That a report be prepared and submitted to the Traffic Committee on the options of making Renny Lane a shared zone vehicle pedestrian zone as well as the benefit or not of redirecting the one way flow and that in the preparation of that report the views of adjoining property owners be sought.

Carried.

(Councillors Furness, Mallard and Lennon requested that their names be recorded as voting against the foregoing motion.)

**16.**

**DARLINGHURST ROAD, NOS. 106 – 110, DARLINGHURST – CONVERT  
MOTEL TO RESIDENTIAL UNITS – SECTION 96 MODIFICATION  
(U99-01369)**

That the application be deferred to the first meeting of the Planning and Development Committee to be held in 2001 as requested by the applicant in fax dated 6 December 2000.

Carried.

17.

**LARKIN STREET, NOS. 5 – 13, CAMPERDOWN – MIXED USE  
DEVELOPMENT COMPRISING RETAIL AND RESIDENTIAL APARTMENTS  
– DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN  
CONSENT (U00-00452)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of Planning and Building dated 1 December 2000.

Carried.

18.

**BROADWAY, NOS. 147 – 179, MOUNTAIN STREET, NOS. 46 – 52, AND  
OWEN STREET, NO. 3, ULTIMO – PROPOSED DEMOLITION AND  
PARTIAL DEMOLITION – DEVELOPMENT APPLICATION  
(U00-01188)**

This matter was dealt with in the Committee of the Whole after the minute by the General Manager relating to the Legal Committee.

Carried.

19.

**VICTORIA STREET, NOS. 171 – 173, POTTS POINT (PICCADILY HOTEL) –  
EXTENSION OF EXISTING NIGHTCLUB TO CATER FOR AN ADDITIONAL  
400 PEOPLE – DEVELOPMENT APPLICATION (U00-01088)**

That the development application submitted by Napoleon Hill Pty Ltd, for alterations to the basement provide for an extension to the existing nightclub for an additional 400 people and with 24 hour trading, be deferred to the first meeting of the Planning and Development Committee to be held in 2001, as requested by the applicant in fax dated 5 December 2000.

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

- (B) That the application be renotified to residents of Brougham Street up to Hourigan Lane.

Motion, as amended by consent, carried.

**GENERAL MANAGER**

20.

**REGENT STREET, NOS. 56 – 58, REDFERN – CHANGE OF USE FROM COMMERCIAL PREMISES TO HOTEL (TAVERN) – ALTERATIONS AND ADDITIONS, SIGNAGE – DEVELOPMENT APPLICATION (U00-00995)**

This matter was submitted to Council without recommendation.

Moved by Councillor Pooley, seconded by Councillor Lay:-

(A) That the Council, as the responsible authority, grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Willee Investments Pty Ltd (owner), for alterations and additions to a former commercial premises, change of use to a hotel (tavern) and signage, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within six months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building prior to lodging an application for a Construction certificate:
  - (a) the approval of the Licensing Court of New South Wales first being obtained;
  - (b) a more thorough Plan of Management being submitted for the approval of Council, addressing the following issues:
    - (i) personnel and staffing;
    - (ii) events and functions;
    - (iii) key management policies;
    - (iv) security and safety;
    - (v) waste disposal;
    - (vi) deliveries.

That in undertaking the Plan of Management, the applicant shall also conduct consultations with a comprehensive range of key local stakeholders to identify and resolve social issues;

- (2) The hours of operation prior to 9.00am Mondays to Saturdays shall be on a trial basis for a period of 12 months, from the date of commencement of the use (subject to (1)(a) above). A further development application must be lodged with Council prior to the expiration of the 12 month period if permanent extended trading hours are sought.

In this regard, Council will be able to determine whether the hours of operation have had an impact on the amenity of the area. (It should be noted that the trial period may be deemed not to have

**GENERAL MANAGER**

commenced unless the full range of hours approved has continually occurred during the 12 months period);

- (3) That the development shall be generally in accordance with drawings numbered 01 and 02, Issue A, drawn by Robert J. Coletti, dated August 2000;
- (4) That no live entertainment shall be provided within the premises, without the prior approval of Council and the Licensing Court of NSW;
- (5) That the Licensee shall take all reasonable steps to ensure that patrons do not drink on the footpath, queue to enter the premises or loiter in view of the premises during trading hours;
- (6) That the applicant shall liaise with Sydney Water regarding the relocation/removal of the air intake pipe for its sewer mains, located within the proposed car parking/loading area at the rear;
- (7) That the main entry off the corner of Redfern and Regent Streets shall be well lit at all times to ensure that opportunity for public safety is maintained;
- (8) That appropriate signage shall be displayed within the premises at all normal egress points advising patrons that they are requested to respect the amenity of the surrounding area upon departure and shall act in a quiet and orderly manner. Details of the signage shall be in accordance with current industry practices;
- (9) That the applicant shall liaise with Council's Public Works and Services Department regarding the removal of bollards which would otherwise block access to the loading/unloading facilities at the rear of the site;
- (10) That at no time shall any signs, amplification equipment, goods or the like be placed on public areas or the footpath adjacent to or near the premises;
- (11) That the capacities for each of the various areas within the premises shall not exceed the number shown on the Certificate of Classification;
- (12) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$3,300 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;

- (13) 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 \$400, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (14) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668 Parts 1 and 2;
- (15) That the construction, fitout and finishes of the premises shall comply with the Food (General) Regulation, 1997 and the National Code for the Construction and Fitout of Food Premises;
- (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 AS1668, Parts 1 and 2;
- (17) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (18) That the business proprietor shall enter into a contract for the daily removal of trade waste from the premises;
- (19) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (20) That a hand wash basin be provided in the kitchen and bar areas with an adequate supply of potable water at a temperature of at least 40°C delivered through an approved mixing device which can be adjusted to enable hands to be washed under hot running water in accordance with the Food Act, 1989;
- (21) That the plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or a Certifying Authority for approval prior to the issue of a Construction or Occupation Certificate:

No.	Health Aspect	Standard or Requirement
(i)	All required mechanical ventilation systems	Building Code of Australia and AS1668, Parts 1 and 2
(ii)	The garbage room	SSCC Waste Management/minimisation Fact Sheets
(iii)	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	National Code for the Construction and Fitout of Food Premises and the Food (General) Regulation, 1997

- (22) That noise vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operation Act, 1997;
- (23) That access for people with a disability shall be provided in accordance with Part D3 of the Building Code of Australia;
- (24) That the applicant shall comply with the following conditions 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 all relevant sections of the BCA shall be complied with;
  - (b) That the proposed work shall be constructed in Type (C) construction in accordance with the requirements of specification C1.1-(5) of the BCA;
  - (c) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
  - (d) That storage cupboards under required non-fire isolated stairs (including external stairs) shall have their walls and ceilings constructed from materials having a fire resistance level of not less than 60/60/60 and any access doorway to the cupboard shall be fitted with a self-closing -/60/30 fire door in accordance with D2.8(b) of the BCA;
  - (e) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;

- (f) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (g) 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;
- (h) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (i) That directional signs where necessary shall be provided in accordance with the requirements of NSW E4.6, E4.8 of the BCA and AS2293.1;
- (j) That directional signs where necessary shall be provided in accordance with the requirements of NSW E4.6, E4.8 of the BCA and AS2293.1;
- (k) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7
- (l) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (m) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (n) That sanitary facilities for people with disabilities shall be provided in accordance with the requirements of F2.4 of the BCA;
- (o) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of Part 3.8.5 of the Building Code of Australia;

and the following adopted standard conditions:

- (25) Structural Design Certificate<sup>9006</sup>
- (26) Construction Hours<sup>9151</sup>
- (27) Construction Certificate Required<sup>9155</sup>

**GENERAL MANAGER**

- (28) Building/Demolition Noise Control<sup>9156</sup>
- (29) Maintain Existing Building in a Stable Condition<sup>9157</sup>
- (30) Works Within Boundary<sup>9152</sup>
- (31) Works on Public Way Cost<sup>1002</sup>
- (32) Builders Hoarding Permit<sup>1008</sup>
- (33) Disabled Entry<sup>3024</sup>
- (34) Cost of Signposting<sup>3026</sup>
- (35) Consequential Roadworks<sup>3027</sup>
- (36) Obstruction of Public Way<sup>3029</sup>
- (37) Delivery of Construction Materials<sup>3032</sup>
- (38) Stormwater Standard<sup>4001</sup>
- (39) Refuse Skips<sup>6002</sup>
- (40) Work on Public Way<sup>9154</sup>

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

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

**NOTE:** That the 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.

**GENERAL MANAGER**

21.

**ROCHFORD STREET, NO. 107, ERSKINEVILLE – TWO STOREY ADDITION TO REAR OF DWELLING (U00-00935)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council as the responsible authority, grants its consent to the application submitted by Ms Suzanne Brookes (owner) for the construction of a rear two storey addition subject to the following conditions:
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$400, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (3) That the development shall be generally in accordance with the plans numbered DA-1E and DA-2E both date stamped 28 September 2000;
  - (4) That no new work other than repair work shall be undertaken to the front verandah or floor tiling;
  - (5) That privacy screens to a height of 1.8 metres shall be permanently fitted to the western side of the first floor balcony;
  - (6) That the face brickwork of the building is not to coated, painted or rendered in any form;
  - (7) That the existing eucalypt tree shall be retained, with no trees covered by Council's tree preservation order to be removed;
  - (8) That no part of the first floor shall encroach on the adjoining property;

**GENERAL MANAGER**

- (9) That no car parking is to be provided on site;
- (10) That the existing front fence shall remain;
- (11) That the developer/owner shall accept responsibility for all costs associated with the design and construction of any works on the public way (including kerb, gutter, pavement, footpath paving, landscaping, drainage and alteration of public utility services), with such works to be carried out by Council's workforce (unless otherwise agreed in writing by the Director of Public Works and Services);
- (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 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;
- (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 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);
- (18) That all proposed work shall be wholly within the boundaries of the site;

- (19) 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;
- (20) That all relevant sections of the BCA shall be complied with;
- (21) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (22) That the requirements of the Work Cover Authority shall be complied with;
- (23) 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);
- (24) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (25) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (26) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (27) 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;
- (28) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;

**GENERAL MANAGER**

- (29) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (30) 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
- (31) That the applicant shall comply with the following conditions 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 suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
  - (b) That the combustible rooflights or the like (in a class 1 and 10 building) shall comply with Part 3.7.1.10 of the BCA;
  - (c) 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;
  - (d) That any sarking-type material used in the roof of the Class 1 building shall have a flammability index of not more than 5, in accordance with Part 3.7.1.7 of the BCA;
  - (e) 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;
  - (f) 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;
  - (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;

**GENERAL MANAGER**

- (i) 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;
- (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;
- (k) That any proposal roof encroachment shall comply fully with the requirements of Part 3.7.1.7 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 the Council's decision.

Carried.

**22.**

**MACLEAY STREET, NO. 14, POTTS POINT – APPLICATION TO ERECT RESIDENTIAL FLAT BUILDING – DEVELOPMENT APPLICATION (U00-00335)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Shaw:-

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Winten (No.5) Pty Ltd for permission to erect a residential flat building containing 30 units and a shop, for the following reasons, namely:-
  - (1) That the floor space ratio substantially exceeds the 3:1 maximum in DCP 1997;
  - (2) That the building as proposed is too bulky;
  - (3) That the building does not comply with the minimum side setbacks in DCP 1997 on its northern side;

**GENERAL MANAGER**

- (4) That communal open space is poorly located and difficult of access;
  - (5) That the building as proposed will unreasonably reduce solar access to the northern lightwell of Selsdon;
  - (6) That no unexcavated part of the site is retained to permit deep planting;
  - (7) That the proximity of lightwell balconies on the northern side to bedrooms in the lightwell of the Macleay Regis is likely to create a noise nuisance;
  - (8) That the building exceeds the maximum height in DCP 1997;
  - (9) That approval 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.

The Planning and Development Committee Meeting terminated at 10.30 p.m.

### **NOTICE OF MOTION**

1.

#### **KINGSCLEAR ROAD, NO. 89, ALEXANDRIA,- ALTERATIONS AND ADDITIONS TO EXISTING TERRACE - DEVELOPMENT APPLICATION - MOTION TO RESCIND (U00-01006)**

By Councillors Furness, Harcourt and Lennon.

That resolution of Council of 29 November 2000, as follows, namely:-

- (A) That the Council as the responsible authority grants a deferred commencement consent under Section 80(3) of the EPA Act 1979, to the application submitted by Archivision Design for permission to carry out alterations and additions to an existing dwelling at No. 89 Kingsclear Road, subject to the following conditions, namely:-
  - (1) The consent shall not operate until the applicant has provided details and plans showing how it is proposed to comply with the following conditions (a) to (g) which shall be submitted within six months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building;

**GENERAL MANAGER**

- (a) That the front dormer shall be at a ratio of 1.5:1 (height:width) and be set down a minimum of 200mm from the ridge line;
  - (b) That the proposed raising of the ridge line shall continue across the full width of the dwelling;
  - (c) That the rear skillion dormer shall be setback a minimum of 500mm from side boundary and a minimum of 200mm from the rear wall;
  - (d) That the proposed roofing material shall be corrugated colourbond to match existing;
  - (e) That the front fence shall be timber or palisade to a maximum height of 1200mm in accordance with Clause 4.1.8 of Council's Heritage and Conservation DCP 1998;
  - (f) That the rear lane studio roof shall be a maximum height of 5.4m on the laneway curved inwards towards the property and shall provide for one inward facing dormer set in 900 mm from each side boundary and set in 1000 mm from its eastern alignment.
  - (g) That the rear lane studio first floor windows shall be in the form of dormer window and/or skylights with appropriate consideration to the privacy of other properties;
  - (h) That the inward facing dormer shall have plantation shutters or fixed blades, so as to prevent the overlooking;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 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 value of \$140, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (4) That a dilapidation report shall be prepared to assess existing and future impacts of development on both adjoining properties (Nos. 87 and 91 Kingsclear Road, Alexandria) and shall be submitted with the construction certificate;
- (5) That the rear studio shall be used for residential purposes only;
- (6) That the rear studio shall be used in conjunction with the main dwelling;
- (7) That the proposed front dormer shall be constructed in timber joinery and the roof materials shall match the existing roof materials, to be detailed in the application for a Construction Certificate;
- (8) That the developer/owner shall accept responsibility for all costs associated with the design and construction of any works on the public way (including kerb, gutter, pavement, footpath paving, landscaping, drainage and alteration of public utility services), with such works to be carried out by Council's workforce (unless otherwise agreed in writing by the Director of Public Works and Services);
- (9) 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;
- (10) 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;
- (11) 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;
- (12) 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;

- (13) 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;
- (14) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (15) That only 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);
- (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 the applicant shall comply with the following conditions of 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 separating walls shall be of construction with a fire resistance level of not less than 60/60/60 and commence at the footings or ground slab and must extend to the underside of a non-combustible roof cladding or not less than 450mm above a roof with a combustible roof-cladding, in accordance with Part 3.7.1.8 of the BCA;

- (b) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (c) That the combustible rooflights or the like (in a class 1 and 10 building) shall comply with Part 3.7.1.10 of the BCA;
- (d) 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;
- (e) That the wall separating between two or more Class 1 buildings shall be constructed of materials having sound transmission class and impact sound resistance in accordance with Part 3.8.6 of the BCA;
- (f) 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;
- (g) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (h) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (i) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (j) 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;
- (k) 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;
- (l) 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 with particular attention directed to the proposed attic external walls to dormers;

- (20) That all relevant sections of the BCA shall be complied with;
- (21) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (22) That 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;
- (23) 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;
- (24) 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;
- (25) That the requirements of the Work Cover Authority shall be complied with;
- (26) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (27) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (28) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (29) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (30) 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
- (31) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (32) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (33) That the proposed side boundary wall shown on the approved plans shall not be built as a party wall but the proposed extension shall be wholly located within the boundaries of the allotment unless consent of adjoining owner is submitted to Council;
- (34) That, subject to access being provided, the applicant shall meet the cost of having professionally prepared dilapidation reports carried out on both of the adjoining properties prior to the commencement of any work on the site;
- (35) That the applicant shall meet the cost of providing a boundary fence on both sides of the rear deck to a height of 1.8m above the deck (unless otherwise agreed in writing by the adjoining owners) prior to an occupation certificate being given;
- (36) That the applicant consult with his neighbour over the colour of the bricks used for the rear lane development, to ensure that they match the proposed shared garden wall and are of the colour acceptable to both parties;
- (37) That the raised ridge line of the main roof shall be the same dimension as that requested by the applicant.

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:-

**GENERAL MANAGER**

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.

- be rescinded.

Councillor Furness requested that the motion be put, seconded by Councillor Lennon.

Carried.

The Notice of Motion was put and negatived.

The Council Meeting terminated at 9.25 p.m.

Confirmed at a meeting of South Sydney City Council  
held on .....2001

**CHAIRPERSON**

**GENERAL MANAGER**

**GENERAL MANAGER**