

273RD Meeting

Erskineville Town Hall
Erskineville
309107

Wednesday, 6 June 2001

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.45 pm on Wednesday, 6 June 2001.

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.

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GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Lennon, seconded by Councillor Furness:-

That the minutes of the Ordinary Meeting of Council of 23 May 2001, be taken as read and confirmed.

At the request of Councillor Shaw, and by consent, the minutes were amended on Page 544 in the Censure Motion against the Mayor regarding Homelessness in South Sydney by the deletion of the word "Councillors" where appearing in clause (5) and the insertion in lieu thereof of the words "Organisations".

At the request of Councillor Harcourt, and by consent, the minutes were amended:-

- (1) on Page 569, Question Without Notice No. 21, by the addition of the words "and the matter be also circulated in the Councillors Information Service" in the Answer by the Mayor to the question;
- (2) on Page 572, Question Without Notice No. 28, by the deletion of the words "Labor Council" where appearing in the 7th line of the Question and the 3rd line of the Answer by Councillor Harcourt and the insertion in lieu thereof of the words "Labor Councillors".

Minutes, as amended by Councillors Shaw and Harcourt, were then confirmed.

MINUTE BY THE MAYOR

31 May 2001

CONFERENCES - SEMINAR ON "CHANGING LOCAL GOVERNMENT AND INVOLVING THE COMMUNITY" - INVITATION TO ATTEND (2016186)

I have received a letter from Genia McCaffery, Mayor of North Sydney Council, advising that the Council will host a seminar on Thursday 7th June 2001 about "Changing Local Government and Involving the Community".

The key speaker for the seminar is Professor Kevin Sproats from the University of Western Sydney, Commissioner for the recently completed local government inquiry. There will also be a panel discussion involving Dr. Stephen Soul from Southern Cross University and Balmain resident and former senior state public servant Professor Percy Allen.

This is a very topical event and an excellent opportunity to talk about the important issue of involving our communities in the local democratic process in the light of the recent Local Government Inquiry.

GENERAL MANAGER

As one of the Councils involved in the Sproats inquiry, the Mayor of North Sydney Council has issued an invitation for interested Councillors and Senior Council Staff to attend.

The Media Section of Council has been heavily involved in Council's Campaign involving the Sproats Inquiry and it is considered that they should also attend. The cost of the seminar is \$75 per person.

RECOMMENDATION:

That the Mayor, interested Councillors and Senior Council Staff and the Media Section of Council, attend the Seminar on "Changing Local Government and Involving the Community" to be hosted by North Sydney Council on Thursday 7th June, 2001, involving an expenditure of \$75.00 per person, for which funds are available in the 2000/2001 Budget.

Councillor John W. Fowler (SGD)

Mayor

Moved by Councillor Mallard, seconded by Councillor Furness:-

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

Carried.

MINUTE BY THE MAYOR

1 June 2001

PROPERTIES - SOUTH SYDNEY HERITAGE SOCIETY - REQUEST FOR USE OF ROOFTOP, 94 OXFORD STREET, DARLINGHURST (2020179)

The South Sydney Heritage Society has requested free use of the rooftop area of 94 Oxford Street for the purpose of holding their monthly meeting on Sunday, 17 June 2001, from 1.00 pm.

The Society has requested use of this location as it is significant in relation to the presentation that will be made at this meeting by Clive Faro and Garry Wotherspoon on their recently published book "Street Scene - A History of Oxford Street".

It is not Council's policy or in our best interest to encourage any public access to the rooftop area due to the possible damage to the waterproof membrane on the roof floor, however, it is recommended that consideration be given to granting approval on a "one off" basis due to the heritage significance of the site.

GENERAL MANAGER

RECOMMENDATION:

That Council give approval to provide access to the rooftop area, kitchen and toilet facilities of 94 Oxford Street, Darlinghurst, for free use by the South Sydney Heritage Society on Sunday, 17 June 2001.

Councillor John W. Fowler (SGD)
Mayor

Moved by Councillor Furness, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE MAYOR

4 June 2001

**CELEBRATIONS – LOCAL GOVERNMENT WEEK 2001
 23 TO 29 JULY 2001 - PROGRAM OF EVENTS (2020573)**

South Sydney Council will be celebrating Local Government Week 2001 from Monday 23 July to Sunday 29 July. The theme for this state-wide local government event is the “Year of the Volunteer”.

With Sydney 2000 – Olympic Games behind us, Sydney however, continues to celebrate with the Centenary of Federation. South Sydney Council’s program of events for Local Government Week 2001 reflects this important occasion.

In past years, many Councils throughout New South Wales joined together in the Combined Council Youth Game. Unfortunately however, Hurstville Council has been unable to host the event this year. Therefore, there are no Games.

The following are highlights from the attached proposed program of events.

- Heritage Talk at Paddington Town Hall “Federation Houses of South Sydney”
- Special Citizenship Ceremony at Paddington Town Hall
- Local Govt Week Special Recognition Awards at Erskineville Town Hall
- Tea Dance at Paddington Town Hall
- CHANGES 1901–2001 Photographic Exhibition at Newtown Library
- Heritage Talk at Newtown Community Hall
- Tree Planting Day at Sydney Park
- and free plants for residents.

GENERAL MANAGER

As in the past, Local Government Week continues to allow Council to showcase the services and facilities we offer the residents of South Sydney. It also provides us with the opportunity to foster cooperation and better communication within our local communities.

Finally, all residents will receive a program of events and banners will be hung in locations throughout South Sydney announcing Council's Local Government Week 2001 celebrations.

RECOMMENDATION:

That approval be given for the attached program of events for Local Government Week 2001, involving an expenditure of approximately \$20,000 for which funds have been provided in the 2000/2001 Budget (1.55.3335.16680.1).

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

6 June 2001

**PROPERTIES – SALE OF VACANT LAND -
NO. 4 STIRLING STREET, REDFERN (2020397)**

On 10 February, 1999, Council resolved to purchase Nos. 2-4 Stirling Street, Redfern for road widening of William Street between James and Stirling Streets, Redfern (map attached). Council also resolved that the portion of land not required for road widening would be sold to recover part of the acquisition costs.

The agreed purchase price of the land was \$300,000 and that area not required for road widening was classified as operational by Council on 24 March, 1999.

On the basis of the current Council Resolution, Oxford Real Estate Pty Ltd, (one of Council's Panel of Real Estate Agents) has been contracted to sell the land not required for road widening by Public Auction on 21 June, 2001.

GENERAL MANAGER

Submitted to Council for its information.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Furness, seconded by Councillor Harcourt:-

That the matter be deferred to the Properties Sub-Committee for a Council resolution before the intended auction date.

It was further moved by Councillor Mallard, seconded by Councillor Bush, that the motion be amended by the addition of the words "and that a report outlining the supply and demand of open space in the area be also submitted to the Committee".

At the request of Councillor Pooley, and by consent, the motion be further amended by the deletion of all the words after the word "Meeting" where appearing in the first line of the resolution and the insertion in lieu thereof of the words "and that the sale be withdrawn until that time to allow for an appropriate resolution".

Motion, as amended by Councillors Mallard and Pooley, carried.

MINUTE BY THE MAYOR

13 June 2001

PUBLIC RELATIONS – DEATH OF NICHOLAS PIERATOS (2004380)

It is with regret that I advise Council of the recent death of Mr. Nicholas Pieratos after battling cancer.

Nicholas was aged 55 and had a family run fruit shop business in Botany Road, Alexandria for over twenty years. He was also a passionate South Sydney Rugby League supporter.

He will be sadly missed by all that knew him and it is recommended that a letter under the signature of the Mayor, offering the condolences of the Council and a floral tribute be forwarded to his wife, Carol and members of his family.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Bush, seconded by Councillor Pooley:-

GENERAL MANAGER

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

Carried.

MINUTE BY THE GENERAL MANAGER

5 June 2001

COUNCILLORS - PAYMENT OF MAYOR/ COUNCILLORS FEES FOR 2001/ 2002 PERIOD (2004430)

Council on 24th May 2000, resolved to accept the maximum fee determined by the Local Government Remuneration Tribunal for the period 1 July 2000 to 30 June, 2001 as set out hereunder:-

Councillor/Member Annual Fee	\$14,000
Mayor/ Chairperson	\$35,000

The Local Government Remuneration Tribunal pursuant to Section 241 of the Local Government Act, 1993, has now made a determination under Section 234 with respect to the annual remuneration fees payable to Mayors/ Councillors of Local Councils for the period from 1 July 2001 to 30 June, 2002.

Under the determination of the Tribunal, South Sydney Council has been ranked in Category 1, along with 18 other Councils.

The fees allocated for Category 1 Councils for the 2001/2002 period are as follows, namely :-

	MINIMUM	MAXIMUM
Councillor/Member Annual Fees	\$8,025	\$14,980
Mayor /Chairperson	\$16,500	\$38,500

(The Mayor/Chairperson also must be paid the additional fee for Councillor/Member.)

In keeping with Section 248 of the Local Government Act, a Council must pay each Councillor an annual fee in accordance with the Tribunal's determination.

Council must pay the same fee for each Councillor.

A Council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

GENERAL MANAGER

Funds have been provided for the Mayor and Councillors fees in the 2001/ 2002 Estimates.

The question of the fixing of annual fees for the Mayor and Councillors for the period from 1 July 2001 to 30 June 2002, is submitted for the determination of Council.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Furness, seconded by Councillor Lay:-

That Council accepts the maximum fee as determined by the Local Government Remuneration Tribunal as follows, namely:-

Councillor/Member Annual Fees	\$14,980
Mayor/Chairperson	\$35,500

(The Mayor/Chairperson also must be paid the additional fee for Councillor/Member.)

-for which funds are available in the 2001/2002 Estimates.

Carried.

MINUTE BY THE GENERAL MANAGER

6 June 2001

PERSONNEL - GENERAL MANAGER'S REPLACEMENT – COMMITTEE RECOMMENDATION OF 4 JUNE 2001 (2020700)

THE MAYOR

The Internal Committee formed by Council to recruit a replacement for the position of General Manager, met at 4.10 p.m. on Monday 4th June, 2001.

The Committee requested that the General Manager submit a timetable for his replacement based on the new General Manager being present at the Management Weekend on 2nd November, 2001.

It was agreed that a recruitment agency be engaged by Council to assist in the selection of a suitable applicant for the position.

By July : a decision will be made to appoint a Recruitment Agency and the endorsement of the job specification.

GENERAL MANAGER

By August: It is envisaged to advertise the position and to have a short list to the Internal Committee for Interviews in the September Recess.

It is hoped that Council will appoint a new General Manager in October, 2001.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

6 June 2001

PROPERTIES – BROADWAY RE-DEVELOPMENT SITE - NOS. 147-179 BROADWAY, NOS. 46-60 MOUNTAIN STREET, AND NO. 3 OWEN STREET, ULTIMO (P56-00048)

Discussions to finalise the contract for the Broadway Development were concluded between Council officers and Australand Holdings Limited on Tuesday, 5 June, 2001, now that the subdivision has been registered at the Land Titles Office.

It has been agreed with Australand Holdings Limited that the properties will be handed over with vacant possession except for the squat at 147 Broadway, Ultimo.

The contracts will now be completed for signing at 10.30 a.m. on Tuesday, 19 June, 2001, by all of the parties concerned.

Submitted to Council for its information.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Shaw, seconded by Councillor Harcourt:-

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

Carried.

GENERAL MANAGER

PETITIONS

1. The Mayor tabled a petition received by the General Manager with approximately 57 signatures appended from residents of Richards Avenue and Collins Street, Surry Hills, thanking Council for closing the streets to motor vehicles, which has created a safe, quiet and peaceful environment.

Received.

2. Councillor Furness tabled a petition with approximately 184 signatures appended from residents of Alexandria, requesting that all plant and equipment units especially those on the Biomedical and RTA Buildings at the Australian Technology Park, be soundproofed so that there is no noise impact on the surrounding streets.

Received.

3. Councillor Mallard tabled a petition with approximately 15 signatures appended from residents of Brougham Street, Woolloomooloo, requesting Council take immediate action to restrict access to Hourigan Lane to curb the crime, violence and drug use taking place there which is seriously impacting on the safety and amenity of the neighbourhood.

Received.

QUESTION ON NOTICE

1. **NEWTOWN PCYC - PREMISES NOS. 15 - 19 ERSKINEVILLE ROAD, NEWTOWN - RESUMPTION OF LAND UNDER SECTIONS 186 AND 187 OF THE LOCAL GOVERNMENT ACT 1993 - QUESTION ON NOTICE BY COUNCILLOR FURNESS**

Question:

Could the General Manager advise Council on the possible use of Sections 186 and 187 of the Local Government Act 1993, to resume the land that is currently use by the Newtown PCYC, at Erskineville Road, Newtown?

GENERAL MANAGER

Answer By The General Manager:

Under Section 186 of the Local Government Act, 1993, Council for the purpose of exercising any of its functions may acquire land. In order to come under the section Council would have to satisfy the Minister for Local Government that the property is included in or required for its "Community Facilities Plan".

The necessity for the Minister's approval is required under Section 187 of the Local Government Act, 1993.

187. (1) Land that a Council is authorised to acquire under this Part may be acquired by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991
- (2) A council may not give a proposed acquisition notice under the Land Acquisition (Just Terms Compensation) Act 1991 without the approval of the Minister.

Section 56 of the Land Acquisition (Just Terms Compensation) Act, 1991 requires that market value of the land be paid.

The property is zoned 10 Mixed Uses under the 1998 Local Environmental Plan.

At this stage it was moved by Councillor Bush, seconded by Councillor Mallard, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, "Newtown PCYC" – Representation to Minister re sale and profit returning to youth and community.

Carried.

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

"NEWTOWN PCYC" – REPRESENTATION TO MINISTER RE SALE AND PROFIT RETURNING TO YOUTH AND COMMUNITY (2016558)

That the Mayor write to the relevant Minister asking that if the sale of the Newtown PCYC goes ahead, the proceeds of the sale be returned to the youth and community of the Newtown/Erskineville area.

Carried.

At the request of both Councillors Lay and Mallard a copy of the above letter be forwarded to all relevant Local State Members in the South Sydney Local Government Area.

GENERAL MANAGER

QUESTIONS WITHOUT NOTICE

1.

DEVELOPMENT – AUSTRALIAN TECHNOLOGY PARK – NOISE EMISSIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2019953)**Question:**

With reference to a petition signed by 184 residents of Alexandria regarding noise emanating from the Australian Technology Park tabled at this meeting, could a report be prepared for Committee advising of Council's role to date in this matter and providing recommendations for any further action on our part?

Answer by the Director of Health and Community Services:

We are aware of that petition and have circulated that petition. We have taken action over many months in relation to the A.T.P. site. Currently the noise emissions are policed by the E.P.A. We have been in contact with the Sydney Foreshores Authority with the E.P.A. We are passing on every petition and every complaint.

There is a response to the Mayoral which should be on the Mayor's desk today for his signature if he has not already signed it. The letter is to the relevant Minister and authorities in relation to the complaints we have been receiving.

Answer by the Mayor:

I will ask the Director of Health and Community Services to have the information available in the Councillors Information Service.

2.

TRAFFIC – BOUNDARY, IVY AND CLEVELAND STREETS, DARLINGTON – COMPLETION OF ROAD TREATMENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (T52-00051)**Question:**

I believe there are some still to be completed road treatments to control traffic in that part of Darlington bounded by Ivy, Boundary, Cleveland and Abercrombie Streets. These treatments were approved a few years ago. At the April Community Consultation meeting in Darlington, some residents from this area suggested there was little traffic in that precinct and that any budget allocation for those works would be better spent on other streetscape embellishments.

GENERAL MANAGER

Could a report be prepared for the Councillors Information Service advising the current proposals and their budget allocation?

Answer by the Mayor:

I will ask the Director of Public Works and Services to have that report circulated to you.

3.

**PROPERTIES – PARRAMATTA ROAD STEERING COMMITTEE –
PURCHASE OF ELECTRICITY BY LOCAL COUNCILS - QUESTION
WITHOUT NOTICE BY COUNCILLOR FURNESS (2015326)**

Question:

I recently attended a meeting of IMROC's Parramatta Road Steering Committee at which a number of questions regarding the purchase of electricity by local Councils were raised. These questions were of great interest to the assembled Mayors and even Deputy Mayors as we were told the Sustainable Energy Development Authority (SEDA) estimates there are significant errors in the electricity bills of most Councils.

Could a report be prepared for Committee addressing the following issues:

- The contractual or other obligations of Energy Australia to supply adequate levels of street lighting and infrastructure maintenance and how these levels are agreed to between Council and the supplier
- Council's ability to reduce its electricity bill where Energy Australia has failed to meet agreed standards
- Working with SEDA to determine those types of lighting that are most energy and cost efficient and Council's ability to require those lights from Energy Australia
- Working with other Councils and/or IMROC and SSROC to change the electricity billing unit for Councils from wattage (which measures power used) to lumens (which measures light supplied), funding for which may be available from SEDA?

Answer by the Director of Public Works and Services:

I have got the appropriate Officer to do that investigation for you if you would like to direct it to me.

4.

**COMMITTEES – ESTABLISHMENT OF A COMMUNITY SAFETY OFFICER
- QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2021553)****Question:**

A report was prepared for the Councillors Information Service regarding Community Safety Officers. Could a further report be prepared for Committee providing options for either having such a position established in the Department of Planning and Building or of incorporating the roles of such a position with that of a current member of staff in the Planning Department?

Answer by the Mayor:

As has been mentioned to you on a number of occasions, there are Council Officers working within the Green Square teams and in other teams within Public Works and Planning which deal with safety audits on this issue. A number of our parks have gone beyond safety audit in terms of our open space survey, beyond what our surrounding Councils have gone to who do have these Officers, but if the Director of Planning and Building would put a report to Committee, I'm not sure that it requires such, but any further information that he responds to can go to the Councillors Information Service.

Answer by the Director of Planning and Building:

Certainly in respect of all Development Applications, there are requirements within Council's Development Control Plan which relate to safety by design. In respect of Green Square, all those Development Applications that are assessed by the Design Panel of the South Sydney Development Corporation, there is an audit done by that Design Panel on the safety of all those developments. My belief is that we do the job now through the Officers who assess the Development Applications and the Specialist Officers we have on urban design.

Answer by the Mayor:

I will ask the Director of Planning and Building to have a report for the Councillors Information Service as I do not believe it requires a Committee report.

5.

**INSURANCES – WILLIAM AND WELLS STREETS, REDFERN – DAMAGE
CAUSED BY GARBAGE TRUCKS - QUESTION WITHOUT NOTICE BY
COUNCILLOR POOLEY (2009139)****Question:**

At a site inspection last Saturday at the corner of William and Wells Street, Redfern, an allegation was made that a Council garbage truck had collected

the garage guttering of a property located in Wells Street. A further allegation was then made relating to the garbage truck hitting a telegraph pole in adjacent Short Street and that a further allegation in adjacent Sterling Street relating to allegations of the garbage truck hitting a building in Sterling Street. Sterling, Short and Wells Streets are all tiny and parallel, and run from William to George Streets.

I wonder whether I could get a report in relation to Council's liability should any of these allegations be accurate and some specific information relating to the telegraph pole, which is leaning at the moment. I'm conscious the telegraph poles are, I understand, owned by the relevant energy company, but there is a potential safety issue here.

Answer by the Mayor:

There has been a number of occasions in those laneways in Redfern where there has been problems. It has been a problem recently in the locality that I live in. I will ask the Director of Public Works and Services to report through the Councillors Information Service. Perhaps a quarterly report of the number of incidents reported to Council in relation to damage caused by garbage trucks.

6.

PUBLIC RELATIONS – GAY AND LESBIAN COMMUNITY – APPLICATION FOR FM COMMUNITY RADIO LICENCES - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2025231)

Question:

Councillors are probably aware that the Gay and Lesbian communities were unsuccessful in their two applications for FM community radio licences. However, the Australian Broadcasting Authority has announced an inquiry into granting additional AM community radio licenses for the Sydney region.

Submissions to this inquiry close on 27 July 2001. Could you write a letter in support of an application by OUTFM (which is a community based organisation) for one AM Gay and Lesbian community radio license for Sydney?

Answer by the Mayor:

I am happy to take representations from either of the groups that are trying to get a licence because of the issue of community support.

7.

DEVELOPMENT – MONTELLIER BUILDING – ELIZABETH BAY ROAD, ELIZABETH BAY – HERITAGE LISTING - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (D52-00155)

Question:

Can a report be prepared on whether there is a heritage listing on the Montpellier building in Elizabeth Bay Road, Elizabeth Bay (near the Sebel site), and if not, can the Council's Heritage Officer report to Council on its heritage value?

Answer by the Mayor:

I will have the Director of Planning and Building prepare a report for the Councillors Information Service on the heritage controls that exist on that land and the process for putting back into the L.E.P. as a heritage item.

8.

PARKS – DOMAIN CAR PARK - CREATION OF AN OFF LEASH DOG PARK ABOVE- QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2019931)

Question:

Can a report be prepared on the suitability of the park above the Council car park in Ward Avenue, Kings Cross, being made available as an off leash dog park with the installation of a dog poo bin?

Answer by the Mayor:

I will ask the Parks Manager to report in relation to the placing of the doggy loo and have it circulated in the Councillors Information Service.

9.

ROSLYN STREET, NOS. 16 – 18, RUSHCUTTERS BAY – RETURN OF SANDSTONE PILLARS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (U99-01283)

Question:

The St. Luke's development has removed the sandstone pillars on either side of the historic Lullworth House. Can a report come to Council as to the whereabouts of the old pillars and were they heritage?

Answer by the Mayor:

I personally made an inspection with the Director of Planning and Building for that Development Application when it went through Council and the recommendation is quite clear in my mind that they are to be retained and brought back. However, they may be removed at the moment in terms of the work on the site, but they were noted as an item of environmental heritage.

Answer by the Director of Planning and Building:

I would have to check the documents, but I will report to the Councillors Information Service having contacted the developer.

10.

SIGNS – CORNER OF BURTON AND CROWN STREETS, EAST SYDNEY – ERECTION OF A “LEFT TURN PERMITTED AFTER STOPPING” SIGN - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2008555)**Question:**

Could the feasibility of a “Left turn permitted after stopping” sign be placed at the corner of Burton and Crown Streets, East Sydney?

Answer by the Mayor:

I will have that matter referred to the Traffic Committee.

11.

COUNCILLORS – COMMITTEES OF COUNCIL – QUESTION TO COUNCILLOR MALLARD - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (A54-00013)**Question:**

Has Councillor Mallard ever asked the Chair of a Committee not to give Councillor Lennon the call on certain items?

Answer by Councillor Mallard:

Not to my recollection.

12.

**STREETS – RICHARDS AVENUE, SURRY HILLS - ROAD CLOSURE –
QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT
(S56-01353)**

Question:

If as seems likely, the closure of Richards Avenue, Surry Hills, becomes permanent, could Council ensure that the Crown Street end of the Collins Street shared zone is closed to vehicles to prevent it being used as a parking lot? Similarly, can we ensure the footpath along Foveaux Street is extended across the end of Richards Avenue as soon as possible, because currently cars park in that space and obstruct pedestrian access to the bus stop?

Answer by the Mayor:

If they are parked there after 1 July or any date that the State Government consents fit to give us the power to enforce car parking controls, I'm sure they will not be parking there. However, when that matter comes back to the Traffic Committee after the trial period, those issues will be examined in terms of the traffic flow.

13.

**PARKS – FORBES STREET, NO. 150, AND ADJACENT PROPERTIES
CATHEDRAL STREET AND JUDGE LANE, WOOLLOOMOOLOO -
RESERVE UNDER RAILWAY VIADUCT – REMOVAL OF SURROUNDING
FENCE - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW
(5276020)**

Question:

Can the Mayor or the appropriate Officer quash the rumour that Council intends to remove the fence surrounding the park between No. 150 Forbes Street, adjacent properties along Cathedral Street and Judge Lane, Woolloomooloo?

Answer by the Mayor:

I will have a report tomorrow through e-mail from the Director of Public Works and Services because there have been a number of comments made to me in relation to the status of the fence and what is happening to it.

14.

**CLEANING – FORBES STREET, NO. 99, WOOLLOOMOOLOO –
MANAGEMENT OF WASTE REMOVAL - QUESTION WITHOUT NOTICE
BY COUNCILLOR SHAW (2024426)**

Question:

Can the appropriate Council Officer provide a report on the complaints received regarding the management of waste removal from No. 99 Forbes Street, Woolloomooloo (from Feb. 2001 until present)? In that report can the following matters be addressed:

- (1) the number of complaints and subsequent actions taken by Council to investigate and remedy the situation;
- (2) the organisation/s responsible for and the breaches of Council's waste practice and/or regulations;
- (3) what action can or will be taken to assist or force those organisations to comply with existing Development Application conditions and Council commercial waste requirements?

Answer by the Mayor:

I will ask Council's Waste Manager to have that report circulated for you.

15.

**PARKING – FORBES STREET, WOOLLOOMOOLOO – REDUCTION OF
RESIDENT PARKING - QUESTION WITHOUT NOTICE BY COUNCILLOR
SHAW (P01-00254)**

Question:

Has there been a sharp increase in residents' complaints regarding a reduction of resident parking in Forbes Street, Woolloomooloo, since February 2001? Could I have details provided please in the Councillors Information Service?

Answer by the Mayor:

I will have that information circulated in the Councillors Information Service.

16.

**FORBES STREET, NOS. 165 – 215, DARLINGHURST – SCEGGS –
RESULTS OF LAND AND ENVIRONMENT COURT - QUESTION WITHOUT
NOTICE BY COUNCILLOR BUSH (U99-01428)****Question:**

Can the Director of Planning and Building enlighten the Councillors with the extent of the financial damage suffered by the legal costs at the Land and Environment Court with regards to the SCEGGS Darlinghurst Development Application? As I requested at the time of the decision, which was to refuse this Development Application, could you inform the Council and those Councillors as to the substantial loss of Development Application conditions which are a part of the Officer's approval recommendation?

Answer by the Director of Planning and Building:

I will prepare a report for the Councillors Information Service on what conditions were deleted by the Court and what conditions were imposed. In respect of the legal costs, the preliminary estimate at this stage is \$70,000, but probably will not exceed \$80,000.

Comment by Councillor Mallard:

I think it is important to enlighten the community about what happened at the Court. Perhaps the Mayor could place a small article in the Inner City News saying that Council represented the residents, but the case was lost.

Comment by Councillor Lay:

I believe Mr. Mayor, that decisions of the Council placed in the Inner City News should not be of a political nature and it would be inappropriate.

Answer by the Mayor:

I will circulate my response to be placed in the Inner City News to all the Councillors by e-mail.

REPORT OF THE FINANCE COMMITTEE

30 May 2001

PRESENT**Councillor Shayne Mallard (Chairperson)****Councillors – Peter Furness, Tony Pooley, Gregory Shaw**

At the commencement of business at 6.30 pm, those present were -

Councillors Furness, Mallard, Pooley and Shaw.

GENERAL MANAGER

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

That the Report of the Finance Committee of its meeting of 30 May 2001, be received and the recommendations set out below for Items 1 to 5, inclusive, 7, 8, and 10 to 10.8, inclusive, be adopted. The recommendations for Items 6 and 9 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

FINANCE – ACCOUNTS – SUNDRY ACCOUNTS OUTSTANDING – SYDNEY WATER WRITING OFF (5264976)

That arising from consideration of a report by the Director of Finance dated 11 May 2001, approval be given for an amount of \$4,240 due by Sydney Water for recoverable works, to be written off as an irrecoverable bad debt.

Carried.

2.

ADMINISTRATION – CODE OF CONDUCT – REVIEW (534482)

That arising from consideration of a report by the Acting Director of Corporate Services dated 22 May 2001, Council re-adopts its Code of Conduct with the amendments, as detailed under the heading Proposed Changes, in the beforementioned report.

Carried.

3.

CONFERENCES – 2001 AUSTRALIAN SISTER CITIES, NATIONAL CONFERENCE, BUNBURY, WESTERN AUSTRALIA, 30 SEPTEMBER TO 3 OCTOBER 2001 – ATTENDANCE OF COUNCIL'S REPRESENTATIVES (5262801)

That approval be given to the Mayor or the Mayor's nominee, the General Manager and the Civic Affairs Manager/Public Officer attending the 2001 Australian Sister Cities National Conferences in Bunbury, Western Australia and that the payment of registration fees, travelling expenses and accommodation and all subsistence expenses be borne by the Council, for which funds have been made available in the 2001/2002 revenue Estimates.

It was moved by Councillor Bush, seconded by councillor Mallard, that the motion be amended by the insertion of the words "interested Councillors" after the word "nominee" where appearing in the first line of the recommendation.

Councillor Lennon moved that the motion be put. Lapsed through want of a seconder.

Amendment negatived.

Motion carried.

4.

PUBLIC RELATIONS - TAYLOR SQUARE – (1) ERECTION OF CHRISTMAS TREE (2) CAROLS BY CANDLELIGHT CEREMONY, 23 DECEMBER 2001 (117375)

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 23 May 2001, approval be given to a Christmas Tree being erected at Taylor Square and to conduct a Carols by Candlelight Service at Taylor Square on Sunday, 23 December 2001, for which funds have been provided for within the 2001/2002 Estimates to support the project.

Carried.

5.

STREETS - FILMING – LOCAL GOVERNMENT FILMING - PROTOCOL (2017178)

That the report by the Director of Public Works and Services dated 21 May 2001, with the information provided in recognition that Council's current procedures for processing filming applications are in line with the Local Government Filming Protocol, be received and noted.

(DPWS Report 21/05/01)

Carried.

6.

ADMINISTRATION – PARKING METERS – KING STREET, NEWTOWN – ACCEPTANCE OF TENDER FOR SUPPLY, INSTALLATION AND COMMISSIONING (2019990)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay:-

- (1) That the matter be deferred for four weeks to allow for further consultation with the community.

It was further moved by Councillor Lay, seconded by Councillor Furness, that additional clauses (2) and (3) be added to the motion, namely:-

- (2) That information be obtained from Leichhardt Council and the Glebe Point Road traders on the effect on their business since the installation of parking meters in Glebe Point Road, Glebe;
- (3) Leichhardt Council be consulted also on the arrangements with the Roads and Traffic Authority regarding parking meters and the impact on the community as a result of their installation, and that the matter be deferred and referred back to the Finance Committee on 26 June 2001.

Motion carried.

7.

FINANCE – INVESTMENT – INTEREST – QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD – 23 MAY 2001 (M51-00005)

That the report by the Director of Finance dated 25 May 2001, detailing interest earnings by Council, be received and noted.

Carried.

8.

PUBLIC RELATIONS – COMPLAINT HANDLING - POLICIES (2006728)

That when the Dataworks Customer Request System is installed, a further report be submitted with the policy that should be adopted for the Customer Request Module, Complaint Handling System.

(A/DCS Report 16.5.01)

Carried.

9.

STREETSCAPES - PARKS – SPRINGFIELD PLAZA, SPRINGFIELD AVENUE, SPRINGFIELD GARDENS, LLANKELLY PLACE AND EARL PLACE, KINGS CROSS - DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENTATION SERVICES - ACCEPTANCE OF TENDER (2022689)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lennon:-

GENERAL MANAGER

That approval be given to:-

- (1) accept the tender submission of Conybeare Morrison and Partners for the Springfield Precinct Project at a cost of \$240,200 (plus GST- \$24,350), total amount \$264,550. For which funds of \$320,000 are available in the draft 2001/2002 Works Program Springfield Plaza (Project No. 21056) (Budget Ref 45-015);
- (2) include a contingency sum for potential additional design and documentation requirements and architects input of \$ 55,000 (plus GST- \$5,500) total amount \$60,500; For which funds of \$320,000 are available in the draft 2001/2002 Works Program Springfield Plaza (Project No. 21056) (Budget Ref 45-015);

The GST component of \$29,850 is available in separate Finance Department budgets.

(DPWS Report 6.06.01)

It was moved by Councillor Lennon, seconded by Councillor Furness, that a clause (3) be added to the motion, namely:-

- (3) That the Consultant be asked to liaise with Artist Network and Technology for the \$55,000 contingency sum of the Tender brief for artists to do the artistic work involved.

Carried.

10.

REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY, 30 MAY 2001 COMMENCING AT 6.09 PM

At the commencement of business those present were the Mayor, Councillor John Fowler (Chairperson) and Councillors Mallard and Shaw.

At the Council Meeting, Councillor Pooley requested that his name be recorded as being present at the beginning of the meeting. The Mayor asked that it be noted.

That it be resolved that the undermentioned recommendations of the Properties Sub-Committee of its meeting of 30 May 2001, be approved and adopted.

10.1.**PROPERTIES – WARATAH STREET, NO. 5, RUSHCUTTERS BAY, LEASE TO MATTHEW AND CHERYL CLARKE (L52-00077)**

That the matter be deferred for an on site inspection and valuation to be carried out by a Local Real Estate Agent.

Carried.

At this stage and at 6.12 p.m. Councillor Lennon came into the meeting as an observer.

10.2.**LICENSING – DEVONSHIRE STREET, NO. 99, SURRY HILLS – PROPOSED FOOTWAY LICENCE (2024239)**

That approval be given to:-

- (1) the granting of a licence to Chris Samra and Dimitar Ivanov over an area of 6.7 square metres of the footway of Devonshire Street adjacent to Café Max at No. 99 Devonshire Street, Surry Hills, as shown stippled on Plan No. S4-130/810 and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of five years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (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 security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Director's report, or failed to execute the licence agreement;

- (7) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 18.5.01)

Carried.

10.3.

LICENSING – PARRAMATTA ROAD, SHOP 1, NO. 156, CAMPERDOWN – PROPOSED FOOTWAY LICENCE (2024294)

That approval be given to:-

- (1) the granting of a licence to Kaffenion Corporation Pty Ltd over an area of 6 square metres of the footway of Mallett Street adjacent to Bean Café at Shop 1, No. 156 Parramatta Road, Camperdown as shown stippled on Plan No. S4-130/812A and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of 5 years under part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8, in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8, in the schedule accompanying the Director's report, or failed to execute the licence agreement.
- (7) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 25.5.01)

Carried.

10.4.**PROPERTIES – LEASING – KING CROSS POLICE STATION – NOS. 1-15, ELIZABETH BAY ROAD, KINGS CROSS – LICENCE TO TORCORP PTY LTD T/AS TOURIST VISION NSW (2010528)**

That approval be given to Torcorp Pty Ltd T/as Tourist Vision NSW being offered a licence to operate a portable computerised tourist information kiosk in the foyer of the Kings Cross Police Station, on a month to month basis, commencing on 1 July, 2001, subject to various conditions, namely:-

- (1) That the licence agreement be terminated by either party giving one (1) month's notice in writing to the other party.
- (2) That the licensee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than Ten Million Dollars (\$10,000,000) indemnifying both the Council and the licensee against any claims that may arise during the term of the licence.
- (3) That Council's Attorney executes the licence agreement prepared by Torcorp Pty Ltd.
- (4) That Council contact the New South Wales Tourism in order to ascertain the usefulness of the portable computerised tourism information kiosk for tourists in the area.

(A/DCS Report 24.5.01)

Carried.

10.5.**PARKS – BOURKE STREET, NOS. 231-241, EAST SYDNEY - VACANT LAND – PROPOSED ACQUISITION FROM THE ROADS AND TRAFFIC AUTHORITY (S57-00056)**

That Council negotiate the purchase of Lots 231 Bourke Street and Nos. 237 – 241 Bourke Street, East Sydney from the Roads and Traffic Authority to become local open space and that a final report be prepared for Council proposing the final purchase price and identifying the source from Section 94 Contributions.

Carried.

10.6.**PROPERTIES – EPSOM ROAD, NO. 94, ROSEBERY – COUNCIL MAINTENANCE DEPOT – ALTERATIONS AND ADDITIONS - ACCEPTANCE OF TENDER (2023866)**

That approval be given to accept the tender submitted by Rapid Constructions Pty Ltd to carry out the alterations and additions to the Maintenance Depot at No. 94 Epsom Road, Rosebery in the amount of \$116,800 (excluding GST) and the provision of \$17,520 (15% of the contract value) as a contingency for unforeseen works, for which funds are available in the 2000/2001 Public Works Support Works Programme (Account Code: 21036.801.16630).

(A/DCS Report 25/5/01)

Carried.

At this stage and at 6.21 p.m. Councillor Lennon left the meeting and did not return.

10.7.**PROPERTIES – CROWN STREET, NO. 405, SURRY HILLS – SURRY HILLS LIBRARY AND NEIGHBOURHOOD CENTRE FIRE SAFETY UPGRADE AND LIBRARY SECURITY – ALLOCATION OF FUNDS (2020556)**

That approval be given to allocate funds of \$55,000 in the 2001/2002 Budget to proceed with the upgrading of fire services to the Library and Community Centre at 405 Crown Street, Surry Hills. This amount excludes GST.

(A/DCS Report 23.5.01)

Carried.

10.8.**PROPERTIES – GARDEN STREET, NO. 73, ALEXANDRIA – COUNCIL'S CONSTRUCTION BRANCH DEPOT - ALTERATIONS AND ADDITIONS – ACCEPTANCE OF TENDER (2022596)**

That approval be given to accept the tender submitted by Les Moore Projects Pty Ltd to carry out the alterations and additions to the Construction Branch Depot at No. 73 Garden Street, Alexandria, in the amount of \$179,813 (excluding GST) and the provision of \$26,972 (15% of the contract value) as a contingency for unforeseen works, with funds available in the 2000/2001 Public Works Support Works Programme (Account Code: 20141.801.16630).

(A/DCS Report 29/05/01)

Carried.

The Properties Sub-Committee Meeting terminated at 6.24 p.m.

The Finance Committee Meeting terminated at 7.23 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

30 May 2001

PRESENT

Councillor Peter Furness (Chairperson)

Councillors – Shayne Mallard, Tony Pooley, Gregory Shaw

At the commencement of business at 7.24 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 30 May 2001, be received and the recommendations set out below for Items 1 to 3, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

CONFERENCES – WORLD CONFERENCE OF MAYORS FOR PEACE THROUGH INTER-CITY SOLIDARITY (2016186)

That the report by the Director of Health and Community Services dated 21 May 2001, regarding the World Conference of Mayors for Peace Through Inter-City Solidarity, be received and noted.

Carried.

GENERAL MANAGER

2.

**COMMITTEES – ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES
– MINUTES OF MEETING HELD 10 APRIL 2001 (2017377)**

That the report by the Director of Health and Community Services dated 15 May 2001, and the accompanying minutes of the Access Committee for People with Disabilities Committee held on 10 April 2001, be received and noted.

Carried.

3.

**PARKS – MCELHONE RESERVE POTTS POINT – APPROVAL TO
EXHIBIT DRAFT HERITAGE STUDY AND LANDSCAPE PLANTING PLAN
(2022997)**

That approval be given to:-

- (1) the public exhibition of the draft McElhone Reserve Heritage Study and Landscape Planting Plan for a period of 21 days;
- (2) the exhibition venues to include Council's One Stop Shop, Kings Cross Library, and an on site display panel, and if available, Elizabeth Bay House, and a booklet be sent to the Historic Houses Trust;
- (3) the exhibition be advertised in the local press and the attendees to the community workshops be notified during the exhibition period.

(DPWS Report 24.5.01)

Carried.

The Community Services Committee Meeting terminated at 7.26 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

30 May 2001

PRESENT

The Mayor, Councillor John Fowler (Chairperson)

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

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

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

GENERAL MANAGER

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

That the Report of the Planning and Development Committee of its meeting of 30 May 2001, be received and the recommendations set out below for Items 9, 10, 14 and 15, inclusive, be adopted. The recommendations for Items 1 to 8, inclusive, 11 to 13, inclusive, and 16 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

MEAGHER STREET, NOS. 12 – 18, CHIPPENDALE – CHANGE OF USE TO MOTOR VEHICLE REPAIRS PREMISES – DEVELOPMENT APPLICATION (U01-00212)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Mr Louis Pascale with the authority of Robert and Mary Lee for the change of use to a motor vehicles repair facility, at Nos. 12-18 Meagher Street, Chippendale, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans stamped 00212/01 and numbered 1, dated 14 March, 2001 and written documentation prepared by the applicant marked 'A' and 'B', dated 13 March, 2001 and 23 April, 2001, respectively, held on Council's file DA U01-00212);
 - (2) 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;
 - (3) That the approved use shall be on a trial basis for a period of 12 months, from the date of commencement of the use. A further development application must be lodged with Council prior to the expiration of the 12 month period if continued operation of the use is sought;

GENERAL MANAGER

-in this regard, Council will be able to determine whether the use has had an impact on the amenity of the area;

- (4) That vehicles are not permitted at any time to block pedestrian flow along the footpath. In this regard, cars being worked on, waiting to be worked on and being dropped off/collected by customers shall be parked entirely within the building, with no part of vehicles protruding onto the footpath or carriageway;
- (5) That the development is to comply with all relevant requirements of the NSW Environment Protection Authority and WorkCover Authority of NSW in respect of its operation and maintenance;
- (6) That the hours of operation of the premises being limited to 7.00am to 4.00pm, Mondays to Fridays and 8.00am to Noon, Saturdays. No activities shall occur on Sundays or public holidays;
- (7) In regard to Condition 6, the applicant is further advised of the following:-
 - Collection of vehicles after 4.00pm Mondays to Fridays and after Noon, Saturdays is permitted, provided that no work shall be undertaken on such cars which involves the use of tools or machinery of any kind;
 - Vehicles are not permitted to be parked upon the footpath or carriageway awaiting collection or being 'dropped-off';
 - In this regard, no work on vehicles shall be performed outside the approved hours.
- (8) That all activities within the premises shall be carried out in accordance with the requirements of the NSW WorkCover Authority and the Motor Vehicle Industry Repair Council;
- (9) That no more than 6 vehicles are to be booked for service on any day from Monday to Saturday;
- (10) That the use of the premises shall not give rise to the emission into the surrounding environment of odours, gases, vapours, dust or other impurities which are a nuisance, injurious or prejudicial to health;
- (11) That vehicles entering and leaving the premises shall be driven in a forward direction;
- (12) That warning signs shall be erected adjacent to the entrance warning pedestrians of the presence of motor vehicles;

- (13) That 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 (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, 15 min 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 Industrial Noise Policy.
- (14) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS 1668. However, the applicant is to note that the external installation of any plant, machinery or ducting requires separate development consent;
- (15) That all work and storage where spillage may reasonably occur shall be bunded. The capacity of the bunded area shall be calculated as being equal to 110% of the largest storage or process vessel/container in the area or 10% of the total volume of vessels/containers accommodated in the area, whichever is the greater;
- (16) That all bunded areas shall be graded to a blind sump to facilitate testing of collected wastewater and provide a low point for pump out. Bunded areas shall be suitably treated to prevent the ingress of stormwater;
- (17) That wastewater arising from the work areas shall be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste Licence Agreement. The applicant is advised that pre-treatment of wastewater may be a requirement of the Corporation prior to the discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of any works;
- (18) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/ Minimisation Fact Sheets;
- (19) That a garbage/recyclable materials room or garbage/recyclable materials storage area shall be provided within the site in an approved position and constructed in accordance with the

requirements of Council's Waste Management/Minimisation Fact Sheets;

- (20) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (21) That all liquid wastes (**not** being oil, fuel and the like), other than stormwater, arising from the use of the premises, shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (22) That waste oil containers shall be stored in a covered and bunded area pending regular removal to waste oil recyclers;
- (23) That details of the exact name, quantity, location, method of storage and packaging of any material covered by the Dangerous Goods Act, 1975, whether licensed under that Act or not, shall be submitted to the NSW WorkCover Authority and approval of those details obtained before any associated work is commenced;
- (24) 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 commencement of any works:-

No.	Health Aspect	Standard or Requirement
(i)	All proposed mechanical ventilation systems.	Building Code of Australia and AS 1668.
(ii)	All required mechanical ventilation systems.	Building Code of Australia and AS 1668.
(iii)	The garbage room.	SSCC Waste Management/ Minimisation Fact Sheets.
(iv)	The recycling storage room.	SSCC Waste Management/ Minimisation Fact Sheets.

- (25) 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;
- (26) 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;
- (27) 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);

GENERAL MANAGER

- (28) That all proposed work shall be wholly within the boundaries of the site;
- (29) 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;
- (30) That all relevant sections of the BCA shall be complied with;
- (31) 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;
- (32) 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;
- (33) 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);
- (34) That all proposed work shall be wholly within the boundaries of the site;
- (35) That the requirements of the Work Cover Authority shall be complied with;
- (36) 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 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;

- (b) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (c) 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;
 - (d) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (e) That exits and exit travel distances shall be redesigned to comply fully with the requirements of Part D of the Building Code of Australia;
- (37) That a flashing light or mirror be attached to the external surface of the building to warn of exiting vehicles;
- (38) That all waste shall be contained within the premises and be presented to the street only at collection time.

NOTE: That the applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979, for a breach of an approved condition, or Protection of the Environment Operations Act, 1997 for a pollution offence 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 control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

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

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

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

- (C) That the unauthorised use of the upper level of the building for commercial and/or residential use shall cease or a new Development Application lodged within 21 days of the date of Council's resolution.

It was moved by Councillor Furness, seconded by Councillor Mallard, that the application be refused.

Negatived.

Motion carried.

Councillors Bush, Furness and Mallard requested their names as being recorded as voting against the foregoing motion.

2.

WILSON STREET, NO. 220a, NEWTOWN – RELOCATION OF ROOF TERRACE AND ERECTION OF WALL – DEVELOPMENT APPLICATION (U01-00245)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Walter Barda, with the authority of Peter Verwer, for a roof terrace and erection of a masonry wall at 220A Wilson Street, Newtown, subject to the following conditions, namely:-
- (1) That the development shall be in accordance with work shown in colour on plan 2000.01 B, dated March 2001 and drawn by Walter Barda Design, except as conditioned elsewhere;
 - (2) That prior to releasing 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 \$330 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (3) That the approved boundary wall shall have a smooth-faced render finish or masonry course scribing consistent with the character of the areas with the vertical rebates deleted;
 - (4) That the side fence height shall be no higher than 1800mm above the footpath level;

- (5) 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) Balustrades shall comply fully with the requirements of Part 3.9.2 of the BCA;
- (6) That all relevant sections of the BCA shall be complied with;
- (7) 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;
- (8) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (9) That a Survey Certificate shall be submitted 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;
- (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 the requirements of the Work Cover Authority shall be complied with;
- (13) 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);

- (14) That all proposed work shall be wholly within the boundaries of the site;
- (15) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (16) That 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;
- (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 stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (19) That 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 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.

NOTE: That the applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979, for a breach of an approved condition, or Protection of the Environment Operations Act, 1997 for a pollution offence 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 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.

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

That Council refuses the application for the following reasons, namely:-

- (1) That the proposed roof deck will adversely impact upon the privacy enjoyed by residents in the surrounding area when using their rear yards;
- (2) That the proposed masonry wall is out of character with the fencing materials of neighbouring properties facing Forbes St and will adversely impact upon the streetscape and the surrounding heritage conservation area.

NOTE: That Council takes necessary enforcement action to ensure the removal of the unauthorised roof deck within 30 days of the date of determination.

Motion, as moved by Councillor Furness, carried.

3.

BUCKLAND STREET, NOS. 96 – 98, ALEXANDRIA – DEMOLISH AND REBUILD EXISTING BOUNDARY WALLS ON SITE – SECTION 96 APPLICATION (U00-00932)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That having considered the application by Sketchshop Architecture Pty Ltd under Section 96 of the Environmental Planning and Assessment Act to vary a development consent granted on 8 December 2000 to construct 7 terrace-style units with basement carparking, Council as the relevant authority resolve to modify the consent of U00-00433 by:-
- (i) deleting the following condition, namely:-

- (3) That the development shall be generally in accordance with the plans numbered 20-801-DA01-Issue B, 20-801-DA02-Issue B, 20-801-DA03-Issue B, 20-801-DA04-Issue B, 20-801-DA05-Issue B, 20-801-DA06-Issue B all date stamped 30 October 2000 and the colour scheme, numbered 00932/00 and date stamped 28 November 2000 except where amended by the conditions of consent.
- (ii) Replace with the following new conditions, namely:-
- (3) That the development shall be generally in accordance with the plans numbered 20-801-DA01-Issue B, 20-801-DA02-Issue B, 20-801-DA03-Issue B, 20-801-DA04-Issue B, 20-801-DA05-Issue B, 20-801-DA06-Issue B all date stamped 30 October 2000 and the colour scheme, numbered 00932/00 and date stamped 28 November 2000 except where amended by the detail contained only in the clouded areas marked "C" on the plans numbered 20-801-Da04-C and by the conditions of consent.
- (49) That the external wall finish of the rear and side walls shall match the existing colour of the external walls to the adjoining properties at 100-102 Buckland Street and 101-103 Belmont Street;
- (50) That a hoarding or fence to a minimum height of 1.8 metres shall be erected between the work site and adjoining properties;
- If necessary an awning shall be erected which is sufficient to prevent any substance from, or in connection with, the work falling into adjoining properties.
- Any such hoarding, fence or awning is to be removed when the work has been completed.
- (B) That no further action be taken in relation to the unauthorised demolition subject to ongoing compliance with the conditions of consent U00-00932.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

4.

GOWRIE STREET, NO. 79, NEWTOWN – ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING CONSTRUCTION OF FIRST FLOOR – DEVELOPMENT APPLICATION (U00-01124)

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Maya Saric and Jason Steward (owners) to construct a second level upon an existing residential dwelling and to carry out ground floor additions and alterations, for the following reasons, namely:-
- (1) That the development would set an undesired precedent within the Gowrie Street Heritage Conservation area and is not in the public interest;
 - (2) That a double storey development to the front is not supported as it would destroy the unity of the terrace pair and fails to comply with Section 4.1.3 of DCP1998: Heritage Conservation;
 - (3) That the rear extension is an overdevelopment of the site, through its increase in site coverage as set out in Part F Section 1.1.1 of DCP1997;
 - (4) That the first floor development would increase the gross floor area creating non-compliance with Council's standards relating to FSR (Part E Section 2.2 of DCP1997);
 - (5) That the front two storey addition would impact in a negative manner upon the character of the streetscape;
 - (6) That the additions to the rear would create generate impacts associated with to visual privacy, which are considered unacceptable.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

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

That the application be deferred and that the Director of Planning and Building prepare a report for conditions of approval of the application.

Negatived.

Motion carried.

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5.

WATTLE STREET, NOS. 445 – 459, ULTIMO – UNAUTHORISED WORKS, INSTALLATION OF CANOPY (PAINT PREPARATION AREA) FLUES, COMPRESSOR ROOM ENCLOSURE AND MECHANICAL VENTILATION (DUST EXTRACTION) WITHIN AND ADJACENT TO PAINT SHOP, USE OF AREA FOR SPRAY PAINTING AND DUST EXTRACTION – DEVELOPMENT APPLICATION (U00-01429)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That in respect of the unauthorised works which have been carried out, Council refuses to grant its consent to the Development Application submitted by M. Zammit with the authority of Chippendale Smash Repairs Pty Ltd., for an internal canopy (dust extraction and preparation area) within the existing paint shop (as described by the applicant) two chimney flues, mechanical ventilation and enclosure of the compressor at Nos. 445, 459 Wattle Street, Ultimo, for the following reasons namely:-
- (1) The works have been constructed without the prior consent of Council and is therefore in breach of the Environmental Planning Assessment Act, 1979.
 - (2) Council has no authority to retrospectively grant consent to the works.
- (B) You are further advised that, without prejudice to any action deemed necessary by Council should a nuisance arise, no further action will be taken in relation to the unauthorised works, subject to compliance with Resolution (C) below and all relevant conditions of previous consents applicable.
- (C) That, in respect of the **use**, Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by M. Zammit, with the authority of Chippendale Smash Repairs Pty Ltd, for use of the enclosed canopy area at 445-459 Wattle Street, Ultimo, to undertake dust extraction and the undercoating of vehicles, subject to the following conditions, namely:-
- (1) That the development shall generally be in accordance with plan numbered '1', dated 15 September, 1998 and drawn by Osmo & Associates and accompanying documentation submitted by the applicant and held on Council file DA U00-01429;
 - (2) Compliance with Conditions of consent to previous development and building applications where relevant, particularly in regard to hours of operation which remain at 7.30am to 6.30pm, Mondays to Fridays and 7.30am to noon, Saturdays;

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- (3) That, having regard to Condition 2 and the area subject of this consent, the following activities shall not occur prior to 7.30am, Mondays to Saturdays, and at no time on Sundays or public holidays:-
- Persons congregating on the site between the spray painting area and the adjoining dwelling;
 - The operation of any tools or machinery in this area, including the parking of customers' vehicles;
 - The opening or closing of the roller shutter;
 - Any other activities associated with the use of the premises which are considered likely to have an unreasonable impact on the amenity of adjoining residential properties.
- (4) Continued compliance with all NSW Environment Protection Authority and WorkCover Authority of NSW requirements in respect of operation and maintenance;
- (5) That all preparations for spray painting shall be carried out in accordance with the requirements of the NSW WorkCover Authority and the Motor Vehicle Industry Repair Council;
- (6) Compliance with the requirements of the following Acts and Regulations:-
- Factories (Health and Safety-Spray Painting) Regulation 1977
 - Occupational Health and Safety (Confined Spaces) Regulation 1990
 - Occupational Health and Safety Act NSW 1983
- (7) That any gaseous emissions from the development shall comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulation thereunder. Processes including airborne particulate matter shall incorporate a suitable dust collection system;
- (8) That the direction and velocity of the effluent air discharged from the exhaust vents shall be such that the amenity of the neighbourhood, including the outdoor air at doors and windows of adjacent buildings and in the vicinity of the exhaust vent at ground level, is preserved;
- (9) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health;
- (10) That the use of the premises shall not give rise to

- transmission of "offensive noise" to any place of different occupancy;
- 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, 15 min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content,
- a sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW EPA Industrial Noise Policy.

(D) The applicant's attention is drawn to the provisions of Section 125 and 126 of the Environmental Planning and Assessment Act, 1979.

SECTION 125 - Offences against this Act and the regulations

- 125.** (1) Where any matter or thing is by or under this Act, other than by or under the regulations, directed or forbidden to be done, or where the Minister, the Director, a council or any other person is authorised by or under this Act, other than by or under the regulations, to direct any matter or thing to be done, or to forbid any matter or thing to be done, and that matter or thing if so directed to be done remains undone, or if so forbidden to be done is done, a person offending against that direction or prohibition shall be guilty of an offence against this Act.
- (2) Where any matter or thing is by or under the regulations directed or forbidden to be done, or where the Minister, the Director a council or any other person is authorised by the regulations to direct any matter or thing to be done, or to forbid any matter or thing to be done, and that matter or thing if so directed to be done remains undone, or if so forbidden to be done is done, a person offending against that direct or prohibition shall be guilty of an offence against the regulations.
- (3) Nothing in subsection (1) or (2) applies in respect of a direction given under this Act by the Minister to a public authority.
- (4) It is a sufficient defence to a prosecution for an offence that arises from a failure to comply with an order under Division 2A if the defendant satisfies the Court that the defendant was unaware of the fact that the matter in respect of which the offence arose was the subject of an order.

SECTION 126 - Penalties

- 126.** (1) A person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed and if no penalty is so imposed to a penalty not exceeding 10,000 penalty units and to a further daily penalty not exceeding 1000 penalty units.
- (2) A person guilty of an offence against the regulations is liable to a penalty not exceeding 1000 penalty units.
- (3) Where a person is guilty of an offence involving the destruction of or damage to a tree or vegetation, the court dealing with the offence may in addition to or in substitution for any pecuniary penalty imposed or liable to be imposed, direct to that person —
- (a) to plant new trees and vegetation and maintain those trees and vegetation to a mature growth; and
 - (b) to provide security for the performance of any obligation imposed under paragraph (a).

Note 1: A penalty unit is equal to one hundred and ten dollars (\$110).

Note 2: The applicant is advised that Council officers will randomly monitor the use of the premises to ensure that the approved hours of operation are complied with. **Any** breach of the terms of this consent, no matter how minor shall be referred immediately for injunctive proceedings before the Land and Environment Court of NSW.

Motion negatived

Moved by Councillor Furness, seconded by Councillor Lennon:-

That the matter be deferred for Council to commission an independent audit of the operation of the facility from an appropriately qualified person, to ascertain that the premises can and does operate in accordance with all relevant Australian Standards and the requirements of the EPA and Workcover Authority. Upon the completion of the audit that this report be tabled for the Information of Councillors.

Carried.

6.

BOURKE STREET, NOS. 417 – 445, DARLINGHURST – DEMOLITION OF SIX BUILDINGS ON THE FORMER ST MARGARET’S HOSPITAL SITE – DEVELOPMENT APPLICATION (U01-00030)

- (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 Summit Projects Australia, with the authority of Zone Developments Pty Ltd, to demolish six buildings, associated ancillary structures and site debris, subject to the following conditions:-
- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within three months of the date of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building and/or the Director of Public Works and Services prior to the commencement of works:
 - (a) Details of work method statement in accordance with condition (5).
 - (b) Dilapidation report in accordance with condition (6).
 - (c) Vibration survey results in accordance with condition (12).
 - (d) Construction Traffic Management Plan in accordance with conditions (19) and (20).
 - (e) Compliance with condition (2).
 - (2) Prior to commencement of works on the site, it will be necessary to lodge with Council a fee of \$24,750 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to Council for the return of the deposit.
 - (3) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$3,000, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.

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- (4) That the development shall be generally in accordance with St Margarets redevelopment, demolition and waste management plan dated March 2001, by Summit Projects Australia, letters dated 30 March 2001 and 23 April 2001, both by Summit Projects Australia;
- (5) That prior to the works commencing, a detailed work method statement shall be submitted to Council, which shall include a detailed timetable of works. The timetable of works shall be created after consultation with representatives of the Crown Street Public School in order to minimise noise, dust and vibration emissions from the subject site;
- (6) That prior to the commencement of works the applicant shall undertake a dilapidation report of neighbouring premises;
- (7) That during demolition works on the site, clearance certificates from an occupational hygienist shall be obtained in accordance with the provisions of the Demolition and Waste Management Plan dated 20 March 2001;
- (8) That the works to the Crown Street Public School are not approved as part of this consent;

NOTE: You are advised that the works to the Crown Street Public School including the glazing and air filtration system are subject to Department of Education consent and shall be submitted to and approved in writing by the Director of Planning and Building prior to such works taking place.
- (9) That the proposed demolition works to the interior of the Public Hospital Building are not approved as part of this Consent;
- (10) A Heritage Impact Statement shall be submitted with any future Development Application for the proposed demolition works to the interior of the Public Hospital Building. This consent does not authorise any demolition of or within the Public Hospital Building or any other gazetted Item of Environmental Heritage;
- (11) That trucks and other service vehicles shall not wait unduly in Albion Street, Bourke Street or any other nearby Street;
- (12) That a copy of the vibration report, which specifies the maximum vibration levels at each boundary and is detailed in section 4.3 of the Demolition and Waste Management Plan dated 20 March 2001 shall be submitted to Council prior to the commencement of works on the site;

- (13) That a copy of the monitoring results of noise, dust and vibration from the works be provided to Council on a monthly basis throughout the demolition process;
- (14) That the applicant shall ensure that the waste minimisation strategy be adopted and records showing quantities, type and destination of materials removed from the site be provided to Council on a monthly basis throughout the demolition process;
- (15) Noise from construction/demolition activities associated with the development shall have regard to the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, That is:-

Construction periods greater than 4 weeks and not exceeding 26 weeks;

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

NOTE: The above noise levels are applicable for construction hours of:-

- Monday to Friday, 7.00am to 5.00pm
- Saturday 7.00am to 3.00pm

No construction work outside of the above hours is permissible without the prior approval of Council.

- (16) Before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (17) 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;
- (18) 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;

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- (19) That during demolition, excavation and building work, the public way shall not be obstructed by building materials from the site in any way;
- (20) That the developer shall supply a plan for construction traffic for access to and from the site, which shall be approved by the Director of Public Works and Services prior to the commencement of works;
- (21) That the developer/owner shall supply a Traffic Control Plan, which shall be approved by the Director of Public Works and Services prior to the commencement of works;
- (22) 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;
- (23) 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;
- (24) That the two date trees on the northern end of the site shall be protected from construction activities by the erection of a safety fence or barricade around the drip line (canopy edge) around each tree. No materials or equipment shall be stored or placed within the fenced area. An application shall be submitted to the Director of Public Works and Services and approved before any tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;
- (25) That no garbage or industrial waste shall be placed on the public way (eg footpaths, roadways, plazas, reserves etc) at any time;
- (26) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public way without a separate application to, and approval by, the Director of Public Works and Services;
- (27) That all proposed work shall be wholly within the boundaries of the site unless authorised by the relevant property owner;
- (28) 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;
- (29) That the requirements of the Work Cover Authority shall be complied with;

- (30) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (31) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (32) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (33) That the demolition work shall comply with Australian Standard 2601-1991;
- (34) That adequate measures be taken to ensure no sediment, including soil, excavated material, building materials, wastes, or other matter to fall, descend, percolate, be pumped, washed or allowed to flow to the street, stormwater system, or waterways;
- (35) That adequate environment management training be provided to staff involved in work on the site during the course of demolition;
- (36) That the process of community consultation continue by the notification of neighbouring properties and potentially affected residents of proposed works two weeks prior to commencement and fortnightly thereafter by the staging of neighbours group meetings convened by a member of the project team (the applicant). An invitation to this meeting shall be extended to the Director of Planning and Building and any neighbour likely to be affected by the development;
- (37) That a complaints hotline be provided on-site and adequately advertised at the entry of the site. The fortnightly information distribution shall include the complaints hotline number;
- (38) That hazardous and/or industrial waste arising from the demolition/operational activities shall be removed (generated) and/or transported in accordance with the requirements of the Environment Protection Authority and the NSW WorkCover Authority and the NSW WorkCover Authority pursuant to the provisions of the following:-
 - Protection of the Environment Operations Act, 1997
 - Waste Minimisation and Management Act, 1995
 - New South Wales Occupational Health and Safety Act, 1983
 - New South Wales Construction Safety Act, 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983)

- The Occupational Health and Safety (Hazardous Substances) Regulation 1996
- The Occupational Health and Safety (Asbestos Removal Work) Regulation

NOTE: That the applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979, for a breach of an approved condition, or Protection of the Environment Operations Act, 1997 for a pollution offence 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 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.

- (39) That the works comply with Part 5.4 of the Protection of the Environment Operations Act 1997 in that no air impurities shall evolve from the development site.
- (40) A physical barrier shall be provided between the subject site and the Crown Street Public School. The barrier shall ensure that no debris from the site shall be capable of being ejected from the demolition site onto the school grounds.

Note: Whilst Council is not able to insist that the barrier be placed on the Crown Street Public School grounds, this is considered to be the most appropriate place for the barrier. However, if it is not possible to locate the barrier on the School grounds, the barrier shall be erected on the subject site.

- (41) That demolition of Lavinus Nolan House shall be timed to include a school holiday period of the Crown Street Public School.

Note: This does not require all demolition to occur during a school vacation but that a holiday period shall be within the demolition period of the building.

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

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

Condition 39 being deleted and replaced with.

- (39) That the applicant shall implement the dust mitigation measures outlined in Section 4.2 of the Demolition and Waste Management Plan dated 20 March 2001. Specifically, the applicant shall ensure that the following measures are carried out in respect of reducing dust emitted from the site;
- (a) mesh shall be applied to scaffolding
 - (b) automatic sprinkler systems shall be installed at the base of the materials handling shoot.
 - (c) areas that give rise to dust shall be wetted down frequently.
 - (d) work which involves the generation of dust shall be reduced in windy conditions.
 - (e) vehicle speeds on the site shall be reduced to a speed that minimises the dispersal of dust.

Notwithstanding the above, at any time during demolition the Director of Planning and Building may impose more onerous dust mitigation measures if Council considers that dust levels from the site are causing a nuisance to those properties neighbouring the site and are in breach of the Protection of the Environment (Operations) Act 1997.

Condition (41) being deleted and replaced with:

- (41) That demolition of Lavinus Nolan House shall be timed to include a school holiday period of the Crown Street Public School. These holiday periods include 7 July 2001 until 22 July 2001 (inclusive) and 1 October 2001 until 14 October 2001 (inclusive).

Note: This does not require all demolition to occur during a school vacation but that a holiday period shall be within the demolition period of the building.

and the following additional condition:

- (42) That the applicant shall obtain the necessary permit from Council's Public Works and Services Department, should any of the scaffolding require the consent of Council.

Note: In addition to the above, works contained on the site that involve the preparation of the site for demolition works (including fencing, scaffolding, barricades and screening), but not involving demolition works, may be commenced prior to the submission of details in respect of this deferred commencement consent.

Motion, as amended by consent, carried.

7.

WILLIAM STREET, NOS. 66 – 72, REDFERN – ALTERATIONS AND ADDITIONS TO EXISTING DWELLINGS, DEMOLISH EXISTING MOTORCYCLE REPAIR WORKSHOP AND ERECT 3 X 3 STOREY TOWNHOUSES AND UNDERGROUND CAR PARK AND CONSOLIDATE LOTS – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-00938)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Baker Kavanagh Architects Pty Ltd, with the authority of Paramount Property Group Pty Ltd & Mr S & Mrs R Mulhall, to carry out alterations and additions to the existing dwellings at 66-72 William Street, demolish the existing motorcycle workshop, erect 3 new 3 storey townhouses & underground car park and consolidate the lots, subject to the following conditions, namely:-

(1) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$1,893	2E97003.BGY0
Open Space: New Parks	\$8,857	2E97009.BGY0
Accessibility And Transport Management	\$ 57	2E97006.BGY0
	\$ 144	2E97007.BGY0
Total	\$10,951	

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;

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

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

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

Payment shall be made before the release of the construction certificate.

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.

- (2) 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	\$2,829	

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 .

- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$9,990 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;

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- (4) That prior to releasing 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 \$1,200, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (5) That the development shall be generally in accordance with the plans numbered A01c to A08c inclusive and dated 21 March 2001 except where amended by the following conditions of consent;
- (6) That the external materials and colour scheme of the existing dwellings and proposed townhouses shall be in accordance with the sample boards submitted to Council and held on the DA file U00-00938 except where amended by the following conditions of consent;
- (7) That a site audit statement by an EPA accredited site auditor shall be provided and accepted by Council confirming the site is suitable for its intended use prior to the release of the construction certificate;
- (8) That the eastern first floor balcony and door of townhouse No.3 overlooking the driveway be deleted and replaced with a window, to be shown on the construction certificate plans;
- (9) That the stairs accessing the car park from the rear courtyard of 68 William Street be deleted and the space used as open space for Nos 66 and 68 William Street, details to be submitted with the construction certificate plans;
- (10) That a 900mm high timber batten privacy screen shall be provided above the 900mm masonry wall on the western boundary wall of the courtyard of townhouse No.1, details to be submitted with the construction certificate plans;
- (11) That new services to the existing terraces are to be placed as unobtrusively as possible with minimum intervention to the original building fabric;
- (12) That all work affecting the significant building fabric of 66 William Street is to be supervised by a qualified heritage practitioner recognised by the NSW Heritage Office;
- (13) That the first floor western windows of 66, 68 and 70 William Street shall be timber framed double hung sash windows, details to be submitted with the construction certificate plans;

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- (14) That the two existing chimneys of the cottage at 72 William Street shall be retained;
- (15) That the proposed sandstone fence of 72 William Street be deleted and replaced with a timber picket fence, details to be submitted with the construction certificate plans;
- (16) That the base of the cottage of 72 William Street shown as split face blockwork shall be faced in brickwork, details to be submitted with the construction certificate plans;
- (17) That the southern external wall of the new addition at the rear of 72 William Street shall be painted brickwork, not rendered and painted masonry, details to be submitted with the construction certificate plans;
- (18) That the driveway shall have a width of 3.8m, details to be submitted with the construction certificate plans;
- (19) That a speed hump shall be installed at the entrance to the underground parking area within 1m from the Wells Street boundary. Details shall be submitted with the construction certificate plans;
- (20) Convex mirrors shall be installed on both sides of the exit to Wells Street in a suitable location so as to allow views along Wells Street from a vehicle exiting the site. Details shall be submitted with the construction certificate plans;
- (21) A convex mirror shall be installed within the underground parking area in the northeast corner to enable views of the driveway. Details shall be submitted with the construction certificate plans;
- (22) The aisle of the driveway shall be increased to a width of 6200mm, details to be submitted with the construction certificate plans;
- (23) That the sliding timber privacy screens on the first floor front balconies of the townhouses shall not encroach over the public way;
- (24) That a dilapidation report of the properties known as 60 Wells Street and 64 William Street, Redfern shall be prepared, including a photographic survey prepared by a Practising Structural Engineer. A copy of the dilapidation report together with the accompanying photographs shall be given to the above property owner/s, and a copy lodged with Council prior to the issue of a Construction Certificate. Upon completion of the development, a further dilapidation report shall be submitted for

60 Wells and 64 William Street to the Principal Certifying Authority prior to occupation of the building. It should be noted that any damage or defects found during construction are a private matter between the individual parties;

- (25) That the proposed new townhouses and the existing dwellings shall have either a gas or heat pump hot water heating systems with a minimum 3.5 star rating, details to be provided with the construction certificate plans;
- (26) That the proposed new townhouses shall have a minimum 3.5 star NatHERS rating;
- (27) That if clothes dryers are to be installed they shall have a minimum Greenhouse score of 3.5;
- (28) That 1 parking space shall be provided for each dwelling;
- (29) 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 the 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 on a directory board or notice board, where it can be easily observed and read by persons entering the building. This exclusion is to appear on Section 149 Certificates of the EP&A Act (1979) as amended;
- (30) That light and ventilation be provided in accordance with the requirements of the Building Code of Australia;
- (31) 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;
- (32) That the applicant shall dedicate for roads purposes, free of cost to Council, a 0.6m by 0.6m splay at the intersection of Wells Street and William Street, 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;
- (33) That the landscape plan developed for Construction Certificates be in accordance with the principles, layout and design intent on the DA plans LA01 and LA02 by Anton James Design;
- (34) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; drainage; 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 Works and Services;

- (35) That all domestic refuse bins and recycling bins to be presented for collection kerbside in Wells Street;
- (36) That the residential garbage storage area is of sufficient size to accommodate 3 x 240 litre sulo bins for domestic refuse and 2 x 240 litre sulo bins for recycling
- (37) That the applicant ensures that any pumping only allows for seepage water or stormwater from the basement car park area and must comply with the requirement in the "Stormwater Code";
- (38) That the applicant ensure that the proposed driveway, ramps, and the parking are within the site comply with Council's Transport Guidelines for Development" DCP No.11 prior to issuing an Occupation Certificate;
- (39) 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;

and the following standard conditions:

- (40) Soil and Sediment Control⁷⁰⁶⁸
- (41) Sanitary Facilities⁷⁰¹⁶
- (42) Ventilation⁷⁰²³
- (43) Car Park Ventilation⁷⁰²⁹
- (44) Comply With BCA⁹¹⁰⁴
- (45) Construction Certificate Required⁹¹⁵⁵
- (46) Building/Demolition Noise Control⁹¹⁵⁶
- (47) Comply With the WorkCover Authority⁹¹⁰⁵
- (48) Demolition to Comply With Aust Standard⁹¹⁶³
- (49) Guarding of Excavations⁹¹⁶²

- (50) Construction Hours⁹¹⁵¹
- (51) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (52) Stormwater Connection Fee⁵
- (53) Consolidate Lots¹²²
- (54) Street Number Application¹²³
- (55) Builders Hoarding Permit¹⁰⁰⁸
- (56) Shoring¹⁰¹²
- (57) Alignment Levels¹⁰¹⁶
- (58) Cost of Signposting³⁰²⁶
- (59) Footway Crossing³⁰²⁸
- (60) Obstruction of Public Way³⁰²⁹
- (61) Delivery of Construction Materials³⁰³²
- (62) Stormwater Standard⁴⁰⁰¹
- (63) Clean Water Discharge⁴⁰⁰²
- (64) Connection to Council's Stormwater System⁴⁰⁰⁵
- (65) Landscape Plan⁵⁰⁰¹
- (66) On Slab Planting⁵⁰¹³
- (67) Final Inspection⁵⁰¹⁵
- (68) Garbage on Public Way⁶⁰⁰¹
- (69) Refuse Skips⁶⁰⁰²
- (70) Position of Garbage Area⁶⁰⁰⁵
- (71) Recycling⁶⁰⁰⁷
- (72) Garbage/Recyclable Material Room⁶⁰¹⁰
- (73) Drainage Design Certificate⁹⁰¹¹
- (74) Construction Hours⁹¹⁵¹

(75) Works Within Boundary⁹¹⁵²

(76) Work on Public Way⁹¹⁵⁴

Note 1: That the applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979, for a breach of an approved condition, or Protection of the Environment Operations Act, 1997 for a pollution offence 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 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 2: The applicant should contact Councils garbage service supervisor, Mr Colin Martin upon completion of the project to discuss service delivery details.

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

Carried.

8.

VICTORIA STREET, NOS. 172 – 174, POTTS POINT – MAJOR ALTERATIONS AND ADDITIONS TO AN EXISTING BACKPACKERS HOSTEL – DEVELOPMENT APPLICATION (U00-01425)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by The Plan Shop, with the authority of Luong Van Pty Ltd, to carry out major alterations to an existing back packers hostel, for the following reasons, namely:-
- (1) That the proposal is inconsistent with the Zone objectives in Clause 21 of Local Environmental Plan 1998;
 - (2) That the proposal is inconsistent with the criteria in Clause 28 of Local Environmental Plan 1998;

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- (3) That the proposal does not comply with Part E of Development Control Plan 1997 with respect to its overshadowing and privacy impacts;
 - (4) That the proposal is inconsistent with the objectives, performance criteria and controls for Tourist Accommodation in Part F of Development Control Plan 1997 through its failure to provide adequate internal communal space;
 - (5) That the proposal will cause adverse impacts upon the amenity, privacy and current enjoyment of the adjoining residents at 176 Victoria Street, residents living in residential flat buildings on Earl Street and the potential guests of the hostel;
 - (6) That the proposal does not provide adequate waste storage facilities on the site; and
 - (7) That the proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

9.

DURDANS AVENUE, NOS. 6 – 10, UNIT A, ROSEBERY – USE FOR MAIL PICK-UP, CONSOLIDATION AND STORAGE – DEVELOPMENT APPLICATION (U01-00273)

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Australian Postal Corporation, with the authority of Hamlove Pty Ltd to use Unit A (southernmost unit) for the pick up and consolidation of mail and storage of mail bags, for the following reasons, namely:-
- (1) That the proposed hours of operation are inappropriate given the sites proximity to residential premises and its only vehicular access being adjacent such residences;
 - (2) That the unit has insufficient parking for the number of vans to be based at the site and the proposed parking arrangement for Unit B is unacceptable as it results in insufficient parking for that unit.
- (B) That the person who made representations in respect of the proposal be advised of Council's decision.

Carried.

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10.

PLANNING – “HOUSEKEEPING” LEP NO. 1 – FINAL ADOPTION OF SITE SPECIFIC AMENDMENTS TO DCP 1997 (2023340)

That Council:-

- (1) Approve the amendments to *Development Control Plan 1997: Urban Design* to classify:
 - the southern side of Stanley Street between Crown Street and Riley Street to Mixed Uses Precinct 3 (Mixed Use Urban Village Centres),
 - land known as 741 Botany Road, Rosebery to Mixed Uses Precinct 2 (Mixed Use Transitional),
 - land known as 797-801 Botany Road, Rosebery to Mixed Uses Precinct 2 (Mixed Use Transitional).
- (2) Give public notice of Council’s decision and the commencement date of the amendment.

(DPB Report 21.5.01)

Carried.

11.

SHERBROOKE STREET, NO. 15, DARLINGHURST – REAR FIRST FLOOR DECK TO TERRACE – DEVELOPMENT APPLICATION (U01-00177)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay:-

- (A) That the Council takes no further action with respect to the unauthorised deck area, subject to the following being carried out within 30 days of the date of this resolution:-
 - (1) An additional balustrade shall be provided 1800 mm from the rear wall of the building restricting access to the rear section of the deck, and designed in compliance with the Building Code of Australia;
 - (2) That screening is to be provided to a height of 1.8m in the rear section of the deck (between the balustrades) incorporating mature planting and or timber lattice work (or another alternative acceptable to Council).
 - (3) That certification from a Structural Engineer is to be provided to Council demonstrating that the deck has been constructed in

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accordance with the relevant Australian Standards and is structurally adequate for its intended purpose and capacity.

- (4) Should such works and certification not be carried out within the required period, Council may elect to seek the demolition of the unauthorised work, without further notice.
- (B) That Council advise the persons who made representations in respect of the proposal of Council's decision.

Carried.

12.

DARLINGHURST ROAD, NOS. 30 – 30B, POTTS POINT – CONVERSION OF EXISTING MOTEL TO BACKPACKERS – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-01067)

- (A) That the Council grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Peter Rommel Pty Ltd with the authority of Rebenta Pty Ltd for the conversion of the existing motel into a backpackers hostel; 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 \$7260 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 releasing 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 \$880, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (3) That the development shall be generally in accordance with plans numbered DA:01 to DA:06, dated 15 September, 2000 endorsed and stamped by Council, subject to amendments required by conditions below;
 - (4) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and

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Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1997, the following monetary contributions towards the cost of providing facilities and amenities are required:

Contribution Category	Amount
Open Space Land Acquisition	\$ 42,041
Open Space/Townscape/and Public Domain	\$197,154
Accessibility and Transport	\$ 1,249
Management	\$ 3,179
Total	\$243,622

The above must be paid to the Council in cash or by unendorsed bank cheque, before issuing a Construction Certificate.

Details about the contribution, including how it is determined, adjustments for CPI and works in kind can be found in the Contributions Plan. No works will be offset against the required monetary contribution without the prior written consent of the Director of Planning and Building or the Director of Public Works and Services;

- (5) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (6) That the maximum number of persons accommodated on the site at any one time shall be persons 321;
- (7) That notwithstanding the above, the maximum number of persons staying on the site more than 28 days accommodated in a bedroom, or in a dormitory must not exceed the number determined by allowing a minimum floor area within the bedroom or dormitory of 5.5 square metres for each person staying less than 28 days, and for persons staying less than 28 days, the minimum floor area within the bedroom shall be 3.25 square metres per person;
- (8) That the internal communal kitchens must be accessible to all occupants and must be constructed and maintained in accordance with Council's *Health Policy for Places of Shared Accommodation*;
- (9) That a schedule showing the number of each bedroom and dormitory and the number of persons permitted to be accommodated in each bedroom/ dormitory (having regard to the approved plans and conditions (6) and (7) above must be conspicuously displayed at the reception area of the premises and the maximum residential capacity of the room and length of

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stay of guests must be displayed on each bedroom/ dormitory door;

- (10) That a register shall be kept detailing the length of stay of each person accommodated on the premises. The Register must be kept up to date at all times and must be made available to Council on request;
- (11) That the rooftop open space shall not be used between 10.00 p.m. and 7.00 a.m. daily;
- (12) That a site manager shall be on the site at all times and shall ensure the appropriate implementation of, and compliance with, the Plan of required by condition (13);
- (13) That a Management Plan for Places of Shared Accommodation be submitted to Council's Health and Community Services Department for approval prior to the submission of the Construction Certificate. The Places of Shared Accommodation Management Plan shall provide a comprehensive and a complete action and implementation plan to ensure that lodgers and neighbouring premises and the local community are not adversely impacted by the proposal and incorporate amendments required by the conditions of this consent. The Places of Shared Accommodation Management Plan shall include, but not be necessarily limited to, the following:
 - (i) measures to control noise emissions from persons on the premises;
 - (ii) measures to control refuse/recycling collection times.
- (14) That the name (and emergency contact details) of the site manager/s and/or resident caretaker/s for the premises must be clearly displayed in the reception area of the premises at all times;
- (15) That Council shall be advised in writing of any proposal modification to the Plan of Management approved by this consent and written consent to the proposed modification shall be obtained from the Director of Health and Community Services prior to any changes taking place;
- (16) That the minimum number of water closets, wash basins, and showers/baths must be provided in the premises in accordance with the Table below, and must also be consistent with Council's *Health Policy for Places of Shared Accommodation*;
- (17) That a garbage room or garbage receptacle storage area and recycling facilities shall be provided on the site in an approved

position and constructed in accordance with the requirements of Council's Waste Management/ Minimisation Fact Sheets;

- (18) That selection and maintenance of furniture and fittings in the premises must be in accordance with Council's *Health Policy for Places of Shared Accommodation*;
- (19) That a washtub, washing machine and clothes dryer (or clothesline) shall be provided for every 50 residents, or part thereof;
- (20) That the premises shall be constructed and designed in accordance with the Building Code of Australia;
- (21) That provision for bicycle storage facilities on the site shall be consistent with *Development Control Plan No. 11- Transport Guidelines for Development* (Note; where the storage facilities cannot be provided on the ground floor of the building, bedroom space shall be converted to bicycle storage and not internal communal living space (that is, the games room etc));
- (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 openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (b) That the doorways that open to fire isolated stairways/fire isolated passageways/fire isolated ramps shall be protected by -/60/30 fire doors in accordance with the requirements of C3.8 of the BCA;
 - (c) That the enclosing walls of the fire isolated exit shall not be penetrated by any services other than as permitted by C3.9 of the BCA;
 - (d) That all openings to the lift shaft/s shall be fitted with self-closing -/60/- fire doors complying with AS.1735.11 and in accordance with C3.10 of the BCA;
 - (e) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;

- (f) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (g) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 of the BCA respectively;
- (h) 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;
- (i) That unobstructed access shall be provided and maintained at all exits at all times from tenancies and from public areas;
- (j) 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
- (k) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (l) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (m) That sanitary facilities for people with disabilities shall be provided in accordance with the requirements of F2.4 of the BCA;
- (n) Evidence shall be produced for the right of way passage through No.2 Roslyn street for emergency evacuation. This evidence shall be provided prior to the approval of development application;
- (o) That access for people with disabilities shall be provided to comply with part D3 of BCA;
- (p) That natural light and ventilation shall be provided to comply with Part F4 of BCA;

- (q) That sound insulation between walls and between floors of sole occupancy units shall comply with the requirements of part F5 of BCA;
- (r) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (s) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (t) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (u) That portable fire extinguishers shall be installed in the kitchen area adjacent to the cooking appliances;
- (v) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (w) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (x) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (y) That a warning sign advising against the use of lifts in case of fire, complying with the requirements of E3.3 of the BCA, shall be displayed in a conspicuous position near every lift call button;
- (z) 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;
- (aa) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (bb) 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;

- (cc) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (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 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 the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (26) That the demolition work shall comply with Australian Standard 2601-1991;
- (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 before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (29) That the premises, in particular internal rooms not provided with natural ventilation complying with the requirements of Part 3.8.5 of the Building Code of Australia, shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
- (30) That a bed, mattress, pillow and an adequate supply of clean blankets or equivalent bed clothing must be provided for each resident. Clean bed linen must be provided for each guest at the

time of their taking up residence and then at least once in every seven (7) consecutive days.

- (31) That a waste container shall be provided in every room;
- (32) That all windows and external doors of every kitchenette located on the first floor be fitted with fly-proof screens;
- (33) That the floor of the kitchenettes located on the first floor be constructed of a smooth, impervious surface;
- (34) That the proprietor shall provide a sufficient number of water-tight receptacles with close-fitting lids for the reception of garbage and refuse arising from the premises;
- (35) 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*;
- (36) 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 Industrial Noise Policy.
- (37) 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 commencement of any works:

No.	Health Aspect	Standard or Requirement
(i)	All proposed mechanical ventilation systems.	Building Code of Australia and AS1668.1 & 2.
(ii)	The garbage room.	SSCC Waste Management/Minimisation Fact Sheets.

(iii)	The recycling storage area.	SSCC Waste Management/Minimisation Fact Sheets.
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- (38) That your attention is drawn to the requirements of the Smoke-Free Environment Act, 2000, which prohibits smoking in all enclosed public spaces. An enclosed public space means a place having a ceiling or roof and, except for doors and passageways, completely or substantially enclosed, whether permanently or temporarily. Under the Act there is an onus of responsibility on both individual and occupiers of premises to refrain and prevent smoking within defined smoke-free areas. (Some exemptions do apply);
- (39) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way to the lift lobby in accordance with the design requirements of the relevant Australian Standards;
- (40) That the applicant shall enter into a commercial contract for the daily collection of trade waste;
- (41) 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;
- (42) 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;
- (43) 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;
- (44) 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;
- (45) 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;

- (46) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
 - (47) That all proposed work shall be wholly within the boundaries of the site;
 - (48) 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.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

13.

MCEVOY STREET, NOS. 52 – 54, WATERLOO – DEMOLISH EXISTING BUILDINGS AND CONSTRUCT MIXED USE DEVELOPMENT INCLUDING 73 APARTMENTS AND GROUND FLOOR COMMERCIAL SPACE – DEVELOPMENT APPLICATION (U00-01310)

- (A) That Council adopt the preferred Masterplan (Option) 2 numbered GS_02 pursuant to Clause 27F of LEP 1998 (Amendment No 6) - Green Square.
- (B) That Council advise the developer that the SEPP 1 Objection to reduce the non-residential component to 14% of the overall floor space be supported.
- (C) 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 Mr Chris Xistouris, with the authority of Phoenix Holdings, to demolish existing buildings and construct a mixed use development including 73 apartments and ground floor commercial space, subject to the following conditions:
 - (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:

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- (a) Redesign of the car park to comply with the provisions of DCP 11 and relevant Australian standards to Council's satisfaction paying particular attention, but not being limited to:
- (i) ramp design and gradients;
 - (ii) column location;
 - (iii) driveway widths;
 - (iv) adequate manoeuvring width for a small rigid truck of AS2890.2 to enter, reverse and depart in a forward direction. Headroom should be a minimum of 3.0 metres (3.3 metres if possible).
- (b) That the applicant shall submit for approval for the following:
- Details of materials and finishes such as the type and size of paving, having particular regard to the proposed retaining wall along the western through site link;
 - Types and location of furniture and fixtures proposed;
 - Details of water features including maintenance and operation manuals suitable for the building operator to continue effective operation, waterproofing, tanking, details and finishes;
- (c) Redesign of the internal courtyard area to provide for a pedestrian ramp accessible to the public designed in accordance with AS 1428 to connect the potential western through site link to the internal courtyard area.
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$36,300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to releasing 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 \$18,000, 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 the plans numbered GS_03/D, GS_04/E, GS_05/D, GS_06/D, GS_07/D, GS_08/C, GS_09/C all dated 10 May 2001, GS_10/B, GS_11/B, GS_12/B all dated 22 March 2001, GS_13/C dated 2 April 2001, GS_20/E, GS_21/D both dated 10 May 2001, GS_22/C dated 22 March 2001, GS_23/C dated 10 May 2001, GS_24/C dated 3 May 2001, GS_25/F dated 10 May 2001, the drainage concept plans numbered 00MB361/D01/D, 00MB361/D02/D, 00MB361/D03/D all dated 9 May 2001, the landscape plan numbered sk01 dated September 2000, the submitted materials board numbered 00/01310 date stamped 1 December 2000 except where amended by the conditions of consent;
- (5) Prior to the issue of a Construction Certificate for above ground works a Site Audit Statement prepared by an EPA accredited site auditor pursuant to the Contaminated Land Management Act 1997 is to be submitted to Council clearly demonstrating that the site is suitable for the intended use under this consent. Conditions imposed on the Site Audit Statement shall form part of this consent. However, in circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a s96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.

NOTE: Prior to the execution of remedial works, attention is directed to obligations imposed on the applicant to the consent (or successor/s) pursuant to the provisions of the Environmental Planning & Assessment Act 1979 and planning instruments applicable to the works including State Environmental Planning Policy No. 55 and Councils adopted Development Control Plan – Contaminated Land.

(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	\$26,549	2E97003.BGY0
Open Space/Green Square	\$226,213	2E99001.BGY0
Accessibility And Transport	\$795	2E97006.BGY0

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Road Infrastructure/Green Square	\$193,800	2E99006.BGY0
Community Facilities/Green Square	\$28,414	2E99004.BGY0
Management	\$1,841	2E97007.BGY0
Total	\$477,523	

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 - March 2001.

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.

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

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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	\$43895	

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

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

where:

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

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

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

- (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 (Level 15 Governor Macquarie Tower, 1 Farrer Place, Sydney), 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 \$488,950 based on the in lieu monetary contribution rate for residential development at \$66 per square metre of total floor area 7065 square metres and in lieu monetary contribution rate for non-residential development at \$22 per square metre of total floor area 1030 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.

NOTE:

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.

Contributions at Time of Payment = $C \times \frac{HP12}{HPI1}$,
where:

C is the original contribution amount

HP12 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment.

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

- (9) That, in order to qualify for a floor space bonus of 0.5:1 FSR, and in addition to Section 94 and Affordable Housing Contributions and requirements for street trees along the site frontage conditioned elsewhere in this consent, the applicant/developer shall bear the cost of design and construction of public domain improvements on-site and in nearby areas to the value of \$603,840. This amount shall be indexed in a similar fashion to Section 94 contributions as set out in Condition 6.

The works shall generally be as shown in Drawing GS_03/D dated 10 May 2001 and the Drainage Plans numbered 00MB361/D01/D, 00MB361/D02/D and 00MB361/D03/D all dated 9 May 2001 or as listed below:

- Dedication of a 2.4 metre strip of land along the 52.8 metre length of the McEvoy Street frontage
- Footpaths for the full length of McEvoy Street from George Street to Botany Road to be fully reconstructed as asphalt and granite header course (not banding) generally as per SSMP Detail Type B Fig 1-8 (See Note 1).
- Kerb and gutter is to be fully reconstructed for the full length of McEvoy Street from George Street to Botany Road (see Note 2)
- Provision of lighting along the through-site links
- Provision of street furniture within the central public courtyard area
- The treatment to the through site link and publicly accessible open space (courtyard area and associated pathways) as marked on the A3 plans numbered 001
- Planting of 7 trees above 100 litre volume in central courtyard area.
- Planting of trees above 100 litre volume along the McEvoy Street frontage in accordance with Council's Street Tree Masterplan, with the nominated species for McEvoy Street being *Lophostemon confertus*. Removal of existing trees are subject to the assessment and approval of Council's Tree Officer
- Provision of stormwater re-use facilities, irrigation, biosink and water features in accordance with the conditions of consent

A performance bond to cover the full value of works, both on and off-site, shall be lodged with Council in the form of a Bank Guarantee prior to the issue of the Construction Certificate. The bank guarantee may be released in stages at Council's discretion as individual works are completed. Council will retain 10% of the value of works for 12 months following issue of the Occupancy Certificate as surety against defective work.

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All works shall be generally compatible with Council's draft Streetscape Masterplan. Construction plans and specifications for all works involving public access shall comply with Council's Development Specifications for Civil Works (Design and Construction) which may be purchased from Council's One Stop Shop.

The issue of the Construction Certificate shall also be conditional on the completion of the design and approval of the on-site works. A longer timeframe for the investigation, design and approval of the off-site works will be necessary, but ultimately, these works will need to be constructed before issue of the Occupancy Certificate. Pursuant to Part 9 Division 3 of the Roads Act 1993, these plans and specifications shall be approved by Council regardless of who is nominated as the certifier for on-site work, and the works constructed strictly in accordance with these approved plans. Construction of the works will be subject to terms negotiated with the Director of Public Works and Services.

In order to finalise the package of works and their valuation, it is required that following design refinements of each component and further consultation with Council officers, cost estimates be prepared by a practicing Quantity Surveyor or, alternatively, an estimate be obtained through the provision of at least three quotes. The valuation of the works shall be at Council's discretion and endorsed in writing by the Director of Planning and Building. If for any reason, any of the works do not prove possible or are reduced during the design, QA or approval processes, alternative works of similar value shall be provided in that area of Waterloo at the discretion of the Director of Planning and Building.

NOTE 1:

Footpath works are to include all adjustments to underground services and pit lids, restoration of disturbed road pavement, construction of pram ramps, upgrading of retained vehicle crossings, removal of redundant vehicle crossings and sub-soil drainage lines. Note that the consent requires that redundant driveways be removed and footpath reinstated and hence these items will not count towards the bonus. Similarly, new driveways do not count towards the bonus;

NOTE 2:

Sandstone kerb and gutter remains the property of Council and all reasonable care must be taken with the removal of them. All intact sections not re-instated or used in other public domain works is to be taken to Council's Alexandria works depot.

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- (10) That the existing median on McEvoy Street that runs east of the Botany Road intersection shall be extended past the subject property to restrict vehicle movements to left-in / left-out only. Design plans shall be submitted to the Roads and Traffic Authority for approval prior to the commencement of any roadworks. A plan checking fee and lodgment of performance bond will be required prior to the release of the final design by the RTA. The cost of all works associated with the work will be at no cost to the RTA or Council.
- (11) That no stopping restrictions shall apply along the full length of the property along McEvoy Street.
- (12) That all works/regulatory sign posting associated with the development will be at no cost to the RTA or Council.
- (13) That the number of car parking spaces provided with the development shall total no more than 87. These shall be provided with appropriate marking and signage and shall be individually allocated on the following basis:
 - (a) 61 spaces allocated to residents
 - (b) 10 visitor spaces to be kept available for the exclusive use of visitors, tradesmen and the like;
 - (c) 13 spaces for the commercial uses;
 - (d) 2 car spaces for disabled car parking;
 - (e) 1 space to be kept available for the exclusive use as a washbay.
- (14) That bicycle parking for residents shall be provided in the form of at least 24 individual bike lockers (Class 1 facilities of AS 2890.3) located in convenient and safe locations;
- (15) That communally available bike lockers shall be provided in the form of at least 15 individual bike lockers (Class 1 facilities of AS 2890.3) and should be freely accessible via a 1.5 metre minimum aisle/path;
- (16) That visitor bike parking shall take the form of at least 10 inverted U-stands (class 3 of AS 2890.3) split in number between the basement and ground level. Racks are not acceptable;
- (17) That a separate application shall be submitted to Council for the use of the ground floor commercial areas;
- (18) That a separate application shall be submitted for any proposed signage;

- (19) That the applicant shall comply with the recommended acoustical treatment specified in the Traffic Noise Intrusion Report prepared by Day Design Pty Ltd dated 28 November 2000;
- (20) That the applicant shall include with the application for a construction certificate, a plan detailing the proposed boundary alignment levels in accordance with Council's standard procedure. The applicant shall apply and pay fees for us to consider these levels. The applicant shall adopt the final boundary alignment levels fixed by Council;
- (21) 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;
- (22) 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);
- (23) That the Construction Certificate shall contain each of the insulation features included in the Energy Rating Report submitted with the Development Application. Such details should be clearly specified by plan and specification;
- (24) That any clothes dryers installed in the new dwellings shall have a minimum Greenhouse score of 3.5;
- (25) That the applicant shall ensure that the footpath widening portion indicated on the plans will be a dedication to Council. The treatment is to be consistent with Council's Streetscape Masterplan Public Domain Strategy. The following shall be implemented:

Banding Paver Treatment

Type: Pebblecrete (or equivalent specification)
 Size: 300 x 300 x 40mm
 Code: PPX 490:400D
 Extent: Behind and parallel to kerbline, around tree pit(s)
 and

bands perpendicular to kerb aligning with tree setout at approximately 10m centres, banding treatment to building line.

Infill treatment

Type: Asphalt 30mm AC10 base with 15mm AC5 top coat with an optional 5% carborundum

OR Alternative infill treatment

Type: Pebblecrete (or equivalent specification)
 Size: 600 x 300 x 40mm
 Code: PPX 254:400D

All public domain streetscape works to be laid on 100mm 20Mp concrete base.

Porphyry is unacceptable in the public paving area along McEvoy Street however it may be used in the internal through site links and open space. Any paving is to meet the slip resistant and access requirements, Australian standards and the BCA.

- (26) That the applicant shall ensure that all street tree works to McEvoy Street shall comply with Council's Street Tree Masterplan. Existing street trees (Liquid Ambers) are to be removed subject to application and advertisement from Council's Tree Preservation Officer. The new street trees shall be Lophostemon (Brushbox) of a minimum size of 100 litres.
- (27) That a detailed maintenance schedule shall be provided for all landscape works and the water feature;
- (28) That details of the lighting and signage proposed shall meet Council's access requirements and relevant Australian standards. Post top luminaries combined with wall lighting shall be used rather than bollard lighting;
- (29) That a positive covenant shall be placed over the internal courtyard, through site link and associated pathways to guarantee public access between the hours of 7:00am - 9:00pm seven days per week as indicated on the A3 sized plans numbered 01310/00 and date stamped 21 May 2001.
- (30) 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;
- (31) That should the applicant wish to utilise the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South

Sydney Local Traffic Committee for approval of an on-site work zone. Without such approval all work shall be carried out strictly within the confines of the site;

- (32) That the building, during construction and when completed, shall be designed so as to take into consideration Council's Pedestrian Safety Guidelines. The applicant shall be responsible for any costs associated with the implementation of any pedestrian safety measures such as street signs, pedestrian crossing and the like;
- (33) That the applicant shall ensure that the residential garbage storage area be of sufficient area to accommodate 14 x 360 litre sulo bins for domestic refuse and 14 x 240 litre sulo bins for recycling accessible to the street;
- (34) That the applicant shall ensure that a separate garbage area shall be provided to accommodate the anticipated number of container bins required for refuse and recycling generated by the commercial tenants;
- (35) That the applicant shall ensure that they shall meet with Council's Waste Services Operations Manager at the completion of planning to discuss suitability of the storage area, general requirements regarding collection services and waste management responsibilities of the body corporate;
- (36) That the levels at the south-eastern boundary of the site shall be designed to be flush with the adjoining property at 183 Botany Road as indicated on the approved plans;
- (37) That the first flush treatment system shall be designed to capture the first 15mm depth of rainfall from all pavement surfaces. All stormwater runoff above the first flush depth shall be diverted to the stormwater reuse system or discharged directly to the public drainage system;
- (38) That water quality treatment measures for first flush stormwater shall employ non-chemical and non-mechanical systems such as sedimentation, filtration and adsorption to generally achieve a tertiary level of treatment. Treated first flush stormwater shall be discharged directly to the public drainage system, by gravity means only;
- (39) That the water quality treatment system for first flush stormwater be designed in accordance with the following parameters: -
 - (a) Minimum swale length of 25m per 1000m² of first flush treatment area;
 - (b) Minimum swale width of two metres at base;

- (c) Minimum depth of infiltration medium below swale base of 600mm;
 - (d) Maximum storage depth above swale base of 300mm;
 - (e) Maximum design hydraulic conductivity for infiltration medium of 1.0E-05;
 - (f) Impermeable base to ensure no groundwater infiltration.
- (40) That the stormwater management system shall employ suitable separation devices to ensure that stormwater runoff above the first flush depth overflows to the stormwater reuse system or is directed to the on-site detention system with minimal intermixing;
- (41) That stormwater reused for irrigation shall be that in excess of the volume required for first flush treatment. The use of stormwater for irrigation shall generally comply with the water quality requirements outlined in the Australian Water Quality Guidelines for Fresh and Marine Waters, ANZECC Nov 1992.1;
- (42) That stormwater reused for car washing / flushing and water features shall be that in excess of the volume required for first flush treatment. The water quality of stormwater reused for car washing / flushing and water features shall strictly comply with the requirements for primary contact outlined in the Australian Water Quality Guidelines for Fresh and Marine Waters, ANZECC Nov 1992;
- (43) That storage structures utilised as part of first flush treatment and stormwater re-use systems shall incorporate suitable containment screens to prevent pollutants and other foreign materials from entering;
- (44) That a life cycle management strategy, including a methodology for ensuring adequate water quality, long term maintenance and frequent water quality testing, shall be prepared for the stormwater reuse system. Details to this effect are to be submitted to Council as well as approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (45) That all stormwater reuse storage structures shall be designed for ready access for inspection, testing and maintenance. In this regard arrangements shall be made within the by-laws accompanying the strata plan for Council staff or their authorised agents to access the property and periodically test the water quality within stormwater reuse systems. The by-laws shall be submitted with the application for strata title of the development;
- (46) That the applicant undertakes a water balance study to determine the storage volume required for the stormwater re-use system. The study shall take into account seasonal variations in

precipitation and irrigation demand, as well as the first flush treatment depth and other proposed outflows. The re-use tank shall be sized for a demand of 1.7m³/ residential unit / month. Details to this effect shall be submitted to Council and shall be approved by a Council registered stormwater certifier prior to the approval of the construction certificate;

- (47) That a maximum depth of 300mm shall be allowed for in the design of any above ground ponding element of the stormwater system;
- (48) That emergency overland flow path shall be incorporated into the design of the stormwater system to prevent flooding in the event of pipe system blockages. The overland flow paths shall be designed to cater for the 5 minute, 1 in 100 year flow from all contributing subcatchment areas. A minimum 300mm freeboard is to be provided between habitable floor levels and entrances to underground car parking areas and the top water levels resulting from the emergency overland flow paths;
- (49) That the applicant shall provide signage in a visually prominent area adjacent to the stormwater re-use system (car washing, first flush treatment & irrigation elements) promoting the environmental benefits of stormwater treatment and re-use, as well as advising of the potential health risks;
- (50) That infiltration of stormwater to groundwater shall only be permitted from direct precipitation on landscape areas. Infiltration of first flush stormwater (treated or untreated) or other impervious surfaces to groundwater shall not be permitted;
- (51) The pumping of groundwater or other permanent artificial means of controlling and/or alleviating groundwater flows around substructures is not considered sustainable and is not recommended. The applicant's attention is drawn to the licensing requirements of the Department of Land and Water Conservation should permanent pumping of groundwater be proposed. The applicant's attention is also drawn to the possibility of contaminated groundwater and subsequent issues relating to its disposal;
- (52) That the applicant shall apply to the Roads and Traffic Authority for an occupation certificate for any proposed works on McEvoy Street prior to construction certification;
- (53) That a standard 1.8m kerb inlet pit be constructed in Allen Street at the connection of the existing Ø450mm pipeline with the Sydney Water trunk drainage system. Detailed plans indicating the invert levels and method of connection shall be submitted to Council for approval prior to construction certification;

- (54) That the developer / owner erect a 'B' class hoarding along the McEvoy Street frontage during the demolition and construction work;
- (55) That the plant species nominated in the treatment swale are to be appropriate low maintenance species that are tolerant to expected environmental conditions (i.e. wetland species);
- (56) That prior to construction certification, the developer / owner consult with the Roads and Traffic Authority in order to determine the requirement for construction zone facility adjacent to the McEvoy Street frontage;
- (57) That the developer / owner shall provide a system of on-site detention of stormwater in accordance with Council's standard requirements for stormwater discharge. The total volume of storage required for on-site detention may be reduced by removing the calculated first flush storage volume from the post-development hydrograph. The method used for calculating the resulting on-site detention storage volumes shall be undertaken using a full hydrograph producing computer model. Details to this effect shall be submitted to Council as well as approved by a Council registered certifier prior to the approval of the construction certificate;
- (58) 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;
- (59) That the applicant shall prior to demolition commencing, carry out a dilapidation survey of 50 McEvoy Street, 3-5 Allen Street, 183 Botany Road and 7-11 Allen Street (subject to the agreement of the owners of the properties) and a copy of the findings shall be provided to the owners and Council;
- (60) That a centralised gas-boosted solar water heater system with separate meters for each unit shall be installed;

A statement from a suitably qualified energy adviser shall be submitted with the Construction Certificate., including the suitability and workability of the solar hot water heating system in terms of orientation, location and capacity.

Should the design, layout and orientation of the development preclude a centralised gas-boosted hot water system, a heating system with minimum energy rating of 3.5 stars shall serve as a replacement. A statement from a suitably qualified energy adviser shall be submitted to and approved by the Council, detailing reasons for not installing a centralised gas-boosted

solar hot water system and showing consistency with the relevant exemption criteria in Development Control Plan 1997.

- (61) That the premises including the car park shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668;
- (62) 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;
- (63) 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;
- (64) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;
- (65) That noise from construction/demolition activities associated with the development shall have regard to the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:
 - (i) Construction periods of 4 weeks and under;

The L_{A10} level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (L_{A90}) noise level by more than 20dB(A) when assessed to any sensitive noise receiver;
 - (ii) Construction periods greater than 4 weeks and not exceeding 26 weeks;

The L_{A10} level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (L_{A90}) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

NOTE: The above noise levels are applicable for construction hours of:

- Monday to Friday, 7.00am to 5.00pm
- Saturday, 7.00am to 3.00pm

No construction work outside of the above hours is permissible without the prior approval of Council.

- (66) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Facts Sheets;
- (67) That separate garbage rooms/recyclable material rooms or garbage/recyclable materials storage areas shall be provided within the site for residential and commercial use in approved positions constructed in accordance with the requirements of Council's Code for the Construction of Garbage Handling Systems;
- (68) That the development shall accommodate recycling on the site (contact the Council's Waste Services Section for details);
- (69) The business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (70) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health;
- (71) 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;
- (72) 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:
- (i) measures to control noise emissions from the site,
 - (ii) measures to suppress odours and dust emissions,,
 - (iii) soil and sediment control measures,
 - (iv) measures to identify hazardous and industrial wastes.
 - (v) community consultation.
- (73) That drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required gutters and roadways shall be swept regularly to maintain them free from sediment. Matter is not to be washed down into the drainage system;
- (74) 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 Industrial Noise Policy.
- (75) 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:

No.	Health Aspect	Standard or Requirement
(i)	all proposed mechanical ventilation systems	Building Code of Australia and AS1668.
(ii)	all required mechanical ventilation systems	Building Code of Australia and AS1668.
(vii)	the garbage room	SSCC Waste Management / Minimisation Facts Sheets
(viii)	the recycling storage area	SSCC Waste Management / Minimisation Facts Sheets
(xvii)	the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes of commercial food premises	National Code for the Construction and Fitout of Food Premises & the Food (General) Regulation, 1997

and the following standard adopted conditions:

- (76) Alignment Levels¹⁰¹⁶
- (77) Cost of Signposting³⁰²⁶
- (78) Footway Crossing³⁰²⁸
- (79) Soil and Sediment Control/Drains, Gutters etc⁷⁰⁷⁰
- (80) Soil and Sediment Control/Building Operations⁷⁰⁷¹

- (81) Soil and Sediment Control/Stockpiles⁷⁰⁷²
- (82) Soil and Sediment Control/Covering of Loads⁷⁰⁷³
- (83) Sewer Discharge⁸⁰⁰⁴
- (84) Construction Hours⁹¹⁵¹
- (85) Consolidate Lots¹²²
- (86) Display Street Number¹²⁴
- (87) Builders Hoarding Permit¹⁰⁰⁸
- (88) Shoring¹⁰¹²
- (89) Road Opening Permit³⁰²⁵
- (90) Obstruction of Public Way³⁰²⁹
- (91) Construction Traffic³⁰³⁰
- (92) Traffic and Pedestrian Management³⁰³¹
- (93) Delivery of Construction Materials³⁰³²
- (94) Stormwater Standard⁴⁰⁰¹
- (95) Clean Water Discharge⁴⁰⁰²
- (96) Connection to Council's Stormwater System⁴⁰⁰⁵
- (97) Landscape Plan⁵⁰⁰¹
- (98) Street Trees⁵⁰⁰⁸
- (99) On Slab Planting⁵⁰¹³
- (100) Maintenance of Landscaping⁵⁰¹⁴
- (101) Final Inspection⁵⁰¹⁵
- (102) Garbage on Public Way⁶⁰⁰¹
- (103) Refuse Skips⁶⁰⁰²
- (104) Commercial Garbage Contract⁶⁰⁰³
- (105) Commercial Garbage Storage⁶⁰⁰⁴

- (106) Garbage/Recyclable Material Room⁶⁰¹⁰
- (107) Drainage Design Certificate⁹⁰¹¹
- (108) Stormwater Certificate at Completion⁹⁰¹⁶
- (109) Works Within Boundary⁹¹⁵²
- (110) Work on Public Way⁹¹⁵⁴
- (111) Comply With BCA⁹¹⁰⁴
- (112) Construction Certificate Required⁹¹⁵⁵
- (113) Excavations and Backfilling⁹¹⁶⁰
- (114) Demolition to Comply With Aust Standard⁹¹⁶³
- (115) Glazing Reflectivity less than 20%¹¹⁸
- (116) Residential Building Work⁸⁵⁰³
- (117) Retaining Walls and Drainage⁸⁵⁰⁵
- (118) Support for Neighbouring Buildings⁸⁵⁰⁶
- (119) Protection of Public Places⁸⁵⁰⁷
- (120) Signs Erected on Building and Demolition Sites⁸⁵⁰⁸
- (121) Toilet Facilities⁸⁵⁰⁹

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 1 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 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 2 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.

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

Carried.

At the request of Councillor Bush, and by consent, the motion be amended by the following:-

Condition 1 being deleted and replaced with:

- (2) 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) Redesign of the car park to comply with the provisions of DCP 11 and relevant Australian standards to Council's satisfaction paying particular attention, but not being limited to:
- (v) ramp design and gradients;
 - (vi) column location;
 - (vii) driveway widths;
 - (iv) adequate manoeuvring width for a small rigid truck of AS2890.2 to enter, reverse and depart in a forward direction. Headroom should be a minimum of 3.0 metres (3.3 metres if possible).
- (b) Redesign of the internal courtyard area to provide for a pedestrian ramp accessible to the public designed in accordance with AS 1428 to connect the potential western through site link to the internal courtyard area.

Condition 9 being deleted and replace with:

- (9) That, in order to qualify for a floor space bonus of 0.5:1 FSR, and in addition to Section 94 and Affordable Housing Contributions and requirements for street trees along the site frontage conditioned elsewhere in this consent, the applicant/developer shall bear the cost of design and construction of public domain

improvements on-site and in nearby areas to the value of \$603,804. This amount shall be indexed in a similar fashion to Section 94 contributions as set out in Condition 6.

The works shall generally be as shown in Drawing GS_03/D dated 10 May 2001 and the Drainage Plans numbered 00MB361/D01/D, 00MB361/D02/D and 00MB361/D03/D all dated 9 May 2001 or as listed below:

- Dedication of a 2.4 metre strip of land along the 52.8 metre length of the McEvoy Street frontage.
- Footpaths for the full length of McEvoy Street from George Street to Botany Road to be fully reconstructed as asphalt and granite header course (not banding) generally as per SSMP Detail Type B Fig 1-8 (See Note 1).
- Kerb and gutter is to be fully reconstructed for the full length of McEvoy Street from George Street to Botany Road (See Note 2).
- Lighting along the through-site links and in central courtyard.
- Street furniture within a central public courtyard area.
- The treatment to the through site link and publicly accessible open space (courtyard area, associated pathways) as marked on the A3 plans numbered PLAN A date stamped 10 May 2001. Details also to be submitted shall include but not be limited to type and style of paving, having particular regard to the proposed retaining wall along the western through site link.
- Planting of 7 trees above 100 litre volume in central courtyard area.
- Planting of trees above 100 litre volume along the McEvoy Street frontage in accordance with Council's Street Tree Masterplan, with the nominated species for McEvoy Street being *Lophostemon confertus*. Removal of existing trees are subject to the assessment and approval of Council's Tree Officer.
- Stormwater re-use facilities, irrigation, biosink and water features. Details also to be submitted shall include but not be limited to maintenance and operation manuals suitable for the building operator to continue effective operation, waterproofing, tanking, details and finishes.

A performance bond to cover the full value of works, both on and off-site, shall be lodged with Council in the form of a Bank Guarantee prior to the issue of the Construction Certificate. The bank guarantee may be released in stages at Council's discretion as individual works are completed. Council will retain 10% of the value of works for 12 months following issue of the Occupancy Certificate as surety against defective work.

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All works shall be generally compatible with Council's draft Streetscape Masterplan. Construction plans and specifications for all works involving public access shall comply with Council's Development Specifications for Civil Works (Design and Construction) which may be purchased from Council's One Stop Shop.

The issue of the Construction Certificate shall also be conditional on the completion of the design and approval of the on-site works. A longer timeframe for the investigation, design and approval of the off-site works will be necessary, but ultimately, these works will need to be constructed before issue of the Occupancy Certificate. Pursuant to Part 9 Division 3 of the Roads Act 1993, these plans and specifications shall be approved by Council regardless of who is nominated as the certifier for on-site work, and the works constructed strictly in accordance with these approved plans. Construction of the works will be subject to terms negotiated with the Director of Public Works and Services.

In order to finalise the package of works and their valuation, it is required that following design refinements of each component and further consultation with Council officers, cost estimates be prepared by a practising Quantity Surveyor or, alternatively, an estimate be obtained through the provision of at least three quotes. The valuation of the works shall be at Council's discretion and endorsed in writing by the Director of Planning and Building. If for any reason, any of the works do not prove possible or are reduced during the design, QA or approval processes, alternative works of similar value shall be provided in that area of Waterloo at the discretion of the Director of Planning and Building.

NOTE 1:

Footpath works are to include all adjustments to underground services and pit lids, restoration of disturbed road pavement, construction of pram ramps, upgrading of retained vehicle crossings, removal of redundant vehicle crossings and sub-soil drainage lines. Note that the consent requires that redundant driveways be removed and footpath reinstated and hence these items will not count towards the bonus. Similarly, new driveways do not count towards the bonus;

NOTE 2:

Sandstone kerb and gutter remains the property of Council and all reasonable care must be taken with the removal of them. All intact sections not re-instated or used in other public domain works is to be taken to Council's Alexandria works depot.

Motion, as amended by consent, carried.

Councillor Lennon requested that her name be recorded as voting against the foregoing motion.

14.

PLANNING – DRAFT AMENDMENT TO SOUTH SYDNEY DEVELOPMENT CONTROL PLAN 1997 – URBAN DESIGN: WILLIAM STREET PRECINCT AND MINOR TYPOGRAPHICAL AMENDMENTS (2023448)

That Council:-

- (1) resolve to adopt the accompanying draft amendments in the report for the purposes of public exhibition;
- (2) exhibit the draft amendments in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and associated Regulations;
- (3) prepare a further report for consideration by the Planning and Development Committee detailing any submissions to the proposed amendments of the Development Control Plan 1997 following exhibition.

(DPB Report 30.5.01)

Carried.

15.

PLANNING – PUBLIC ART AND WATER FEATURES PROJECT – ADOPTION OF STRATEGY (2023336)

- (A) That Council endorse the Green Square Public Art and Water Features Strategy.
- (B) That Council seek legal advice on the ability to levy funds through the Floor Space Bonus Mechanism to commission public art and fund the coordination of such projects including the employment of staff.
- (C) That a further report be submitted to Council on items (2) together with a draft timetable for implementing changes to Council's Section 94 Plan

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for the purposes of contributing funding to the Green Square Public Art and Water Features Strategy.

(DPB, DHCS, DPWS Joint Report 24.5.01)

Carried.

16.

GRAND DRIVE, MOORE PARK – UPGRADE EXISTING FEDERATION DRIVE INCLUDING PATHWAYS, PAVED AREAS, AND ERECTION OF A NEW GATEWAY STRUCTURE, REMOVAL OF ONE TREE, RELOCATION OF 7 TREES AND INTRODUCTION OF A SAFE CROSSING AT THE ROBERTSON ROAD GATES TO CENTENNIAL PARK – DEVELOPMENT APPLICATION (U01-00191)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

That consideration of the application be deferred to the next Planning and Development Committee, to be held on 13 June and that before then:-

- (a) A meeting be sought with the Federal Minister responsible for providing the funding to clarify any restrictions on the availability of funds particularly with regard to the end of the financial year.
- (b) That a meeting be sought with the Minister for Planning to discuss the application and that representatives of the Heritage Council, the Centennial and Moor Park Trust and Local Member be invited to attend.

Carried.

The Planning and Development Committee Meeting terminated at 8.50 p.m.

The Council Meeting terminated at 8.26 p.m.

Confirmed at a meeting of South Sydney City Council held on2001

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER