

**309<sup>TH</sup> Meeting**

**Erskineville Town Hall  
Erskineville**

446827

**Wednesday, 23 October 2002**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.37 pm on Wednesday, 23 October 2002.

**PRESENT**

His Worship, The Mayor, Councillor Tony Pooley (Chairperson)

Councillors - John Bush, John Fowler, Peter Furness, Christine Harcourt, Jill Lay,  
Amanda Lennon, Shayne Mallard, Gregory Shaw.

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**GENERAL MANAGER**

**Bali Tragedy – Observance of Minute’s silence for victims**

The Mayor, when opening the Council Meeting, asked those present to remain standing and observe one minute’s silence for the victims of the Bali tragedy.

**Confirmation of Minutes**

Moved by Councillor Harcourt, seconded by Councillor Furness:-

That the minutes of the Ordinary Meeting of Council of 25 September 2002, be taken as read and confirmed.

Carried.

**Welcome to Mr Stuart McDonald, new Director of City Environment**

The Mayor introduced and welcomed Mr Stuart McDonald, the new Director of Council's City Environment Department.

**Apology**

An apology for non-attendance at the meeting was received from the General Manager, Mr Michael Whittaker.

Ms. Monica Barone was the Acting General Manager for this Council Meeting.

**MINUTE BY THE MAYOR**

23 October 2002

**DONATIONS – KINCHELA BOYS HOME (2025737)**

Council has been approached by the Kinchela Elders associated with Kinchela Boys Home (now based in Surry Hills) for a small amount of financial support.

The Kinchela Boys Home was located on the mid north coast of NSW and was home to more than 400 Aboriginal boys during its 47 years of operation.

The abuse experienced by the boys at the home is well known and was highlighted in 'Bringing Them Home' - the report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families. This year the first reunion of former residents was held at the home and culminated in a day of ceremony on 7 September.

**GENERAL MANAGER**

The organisation has been involved in organising the highly successful Aboriginal Rugby League Knockout which is held in South Sydney each year. The request for support is specifically to assist the Ken Brindle Memorial Shield being presented in Tabulam, NSW.

I understand that Ken Brindle was responsible for Kinchela Boys (now men) adoption into South Sydney community, specifically Redfern.

Because of the strong links between the local Aboriginal community in South Sydney and Kinchela Boys Home, and the importance of the annual Rugby League Knockout competition I would like to propose that Council provide support to enable the Ken Brindle shield to be presented in Tabulam.

A donation of up to \$200 would assist in enabling this group to cover the costs associated with presenting the Ken Brindle Memorial Shield to Don Walker, (best player in the Grand Final, Aboriginal Rugby League Knockout) in Tabulam, NSW. Funds to cover this expenditure would need to be added to the 2002/3 Donations budget 24. 6815. 16410.

**RECOMMENDATION:**

I recommend that Council provide a donation of up to \$200 to the Kinchela boys Home to support the presentation of the Ken Brindle memorial Shield in Tabulam, NSW with funds to cover this expenditure to be added to the 2002/2003 Donations budget 24. 6815. 16410.

Councillor Tony Pooley (SGD)  
**Mayor**

Moved by Councillor Shaw, seconded by Councillor Furness:-

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

Carried.

**MINUTE BY THE MAYOR**

17 October 2002

**CONFERENCES – HUMAN RESOURCE CONFERENCE 20 & 21 NOVEMBER 2002,  
ATTENDANCE BY DIRECTOR OF ORGANISATIONAL DEVELOPMENT –  
(D51-00136)**

Peter Chaffe, Council's Director of Organisational Development, has been asked to speak at the upcoming International Quality & Productivity Centre's conference, 'Strategic Succession and Talent Management for Government'. The conference is set to be held in Canberra on 20 & 21 November 2002.

**GENERAL MANAGER**

Other organisations that will be presenting at the conference include, the Australian Defence Force, Queensland Health, Airservices Australia, Department of Education and Training and the Ministry of the Premier and Cabinet (WA).

The conference organisers will cover accommodation and conference fees. Mr Chaffe will be taking annual leave for 1 day and Council will be covering the other day with pay.

Mr Chaffe has spoken on behalf of Council at these previous conferences;

- 1 1999 – Annual Public Relations Conference – ‘Message in a Bottle’ - Holiday Inn Hotel, Coogee
- 2 2000 – International Quality & Productivity Centre – ‘Corporate Universities’ – Landmark Hotel, Potts Point
- 3 2001 – Local Government & Shires Association – Annual Human Resource Conference – Opal Cove, Coffs Harbour.

**Recommendation:**

That Council as the approving authority endorses approval for Mr Chaffe to travel to Canberra to speak at the ‘Strategic Succession and Talent Management for Government’ Conference for November 20 & 21, 2002.

Councillor Tony Pooley (SGD)  
**Mayor**

Moved by Councillor Shaw, seconded by Councillor Harcourt:-

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

Carried.

**MINUTE BY THE GENERAL MANAGER**

17 October 2002

**ADMINISTRATION – DISCLOSURE OF INTERESTS – TABLING OF FORMS OF RETURNS FOR PERIOD 1 JULY 2001 TO 30 JUNE 2002 (P53-00005)**

Council is required under Section 450A of the Local Government Act 1993, to table Disclosure of Interest Returns.

I now table the disclosure of Interest Returns received from Councillors and designated

**GENERAL MANAGER**

persons for the period 1 July 2001 to 30 June 2002.

Michael Whittaker (SGD)  
**General Manager**

Moved by Councillor Mallard, seconded by Councillor Lennon:-

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

Carried.

## PETITIONS

1.

The Mayor tabled a petition with approximately 69 signatures appended from residents of the South Sydney Council area, objecting to the proposed relocation of the Surry Hills Library.

Received.

2.

The Mayor tabled a petition with approximately 228 signatures appended from residents of the Sydney metropolitan area requesting that Council refrain from removing the large Sydney Blue Gum in North Taylor Square, opposite the Health Centre.

Received.

## QUESTIONS WITHOUT NOTICE

1.

**BUILDING – REGULATIONS – OPTIONS FOR TELEPHONE LINES IN NEW DEVELOPMENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2005394)**

**Question:**

Mr. Mayor, I have been contacted by residents of new apartment blocks complaining that they are unable to access the Internet via broadband technology as the developer used the cheaper “pair gains” telephone line connections instead of investing in new copper lines.

The inferior wiring also greatly reduces the speed of dial-up modems.

To install new copper telephone lines after construction is a very much more costly exercise.

**GENERAL MANAGER**

Further to a question I raised earlier this month directly with the City Environment Department, could a report be prepared for the Planning and Development Committee discussing options for incorporating a requirement for telephone liens in new development which permit broadband Internet access as a standard condition of consent?

**Answer by the Mayor:**

I will refer that to the Director of City Environment and the answer will come through the CIS or to Committee.

2.

**TRAFFIC – NICKSON STREET, SURRY HILLS – VOLUME OF TRAFFIC - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (T02-00215)**

**Question:**

I tabled an e-mail received from a resident of Nickson Street, Surry Hills regarding the volume of traffic using that street. Could the issues he has raised be addressed and a response prepared?

**Answer by the Mayor:**

I will refer that e-mail to Mr. Donnelly and a response will be prepared.

3.

**PARKING – ILLEGAL – CLEVELAND STREET BETWEEN WILEY STREET AND ABERCROMBIE STREET, CHIPPENDALE - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2001143)**

**Question:**

Cars continue to be parked on the northern footpath of Cleveland Street between Wiley Street and Abercrombie Street even though I have on several occasions contacted Council Officers seeking their attention to this matter. Nearby businesses on both sides of the street have now commenced doing the same thing and I counted 10 vehicles parked illegally on the footpath on Monday.

Could Parking Enforcement Officers make a concerted effort to address this problem in this location?

**Answer by the Mayor:**

I am happy to refer this to Mr McDonald for his follow-up.

4.

**CLEANING –COUNCIL’S WASTE COLLECTION AND STREET CLEANSING SERVICES – IMPROVEMENT - STATUS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2024428)****Question:**

Earlier in this term, a plan to improve the effectiveness of Council’s waste collection and street cleansing service by 50% at an additional annual cost to Council of only \$5,000 was canvassed. Could Council be advised of the status of such a proposal as the matter remains a pressing one?

**Answer by the Mayor:**

I am happy to refer that to Mr Binns, Acting Director of City Works.

5.

**STREETSCAPES – REQUEST FOR REPORT ON OXFORD STREET STREETSCAPE WORKS FOR 2002/2003 - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2016906)****Question:**

Mr Mayor, at a recent community consultation on the future of Oxford Street, a number of business owners approached you and I, and expressed exasperation, if not anger, at the long lead time for the streetscape improvements to start. I note tonight in Item 15 of Finance that we are approving a fast tracking of the Redfern Street Streetscape Works.

Can the Director of City Works prepare a report for Oxford Street Prioritisation of Streetscape Works for 2002/2003 as has been done for Redfern Street?

**Answer by the Mayor:**

I am happy to refer that to the Director of City Works. Councillor Mallard would recognise that the improvements on Redfern Street are on a much smaller scale, than those proposed for Oxford Street, hence, it is easier for Council to deal with it first than going through a greater consultation process such as Oxford Street.

6.

**PARKS – INSTALLATION OF PLANTER BOXES FROM TAYLOR SQUARE TO RILEY STREET - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2026006)****Question:**

At last night’s Oxford Street Reference Group meeting, we were informed that 20 x 1 metre square planter boxes would be placed in Taylor Square for the Gay Games.

Retailers and residents raised it in the meeting whether Council could extend this measure to another 20 planters spacing them along the footpath (both sides) from Taylor Square to Riley Street? This would extend the festive environment along the retail strip, enhance the poor state of the footway and assist the shops and businesses.

**Answer by the Mayor:**

I will seek a report from the relevant Director on this information.

7.

**PROPERTIES – COMMERCIAL RENTS, OXFORD STREET – REQUEST FOR INDEPENDENT ARBITRATOR TO ASSESS RENTAL REDUCTION - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2027431)**

**Question:**

Mr Mayor, as you know, retailers along Oxford Street are not doing well at the moment. They attribute the downturn in part to the state of Council's footpath and streetscape design. Most retailers are asking for rent reductions. The local businesses have asked, can Council appoint an independent person to arbitrate the issue of commercial rents in our tenancies on Oxford Street?

**Answer by the Mayor:**

I will refer this information to the Council Officer who is looking at the retail strategy, which is due. If the specifics of your question are not dealt with there, we will find another mechanism for an answer.

8.

**COMMUNITY SERVICES – ERSKINEVILLE PUBLIC SCHOOL CONGRATULATIONS REGARDING PROPOSED NON - SCHOOL CLOSURE - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2025651)**

**Question:**

Mr Mayor, I was disappointed that in your Mayoral minutes, you didn't pass on congratulations to Erskineville Public School for their great triumph two weeks ago over the Carr Governments proposed closure.

Are we going to mark their success in this meeting tonight or are we going to ignore it?

**Answer by the Mayor:**

I didn't write a Mayoral minute because it had already appeared in at least four newspapers this week in which I extended my heart-felt congratulations to Erskineville Public School on behalf of Council, and I am happy to extend those same congratulations to anybody associated with Erskineville, here and now.

9.

**COUNCILLORS – PUBLICISED COMMUNITY INFORMATION SUPPLIED BY COUNCILLORS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (A54-00013)**

**Question:**

Councillor Furness, the publication you put out in the electorate in the South Sydney News, which I understand you are the author of, but I insist you are not, has some information which is misinformation to the community and people have raised these issues with me.

My questions are:

- (1) Your claim that bright yellow signs are advertising a Development Application, was the Democrats that put that through South Sydney Council when, in fact, it was all South Sydney Councillors.
- (2) You claim that all Councillors, except yourself, continually ignore development guidelines, DA's and DCP's. My question is, are you going to provide honest information by letterbox or continue to supply misinformation?

**Answer by Councillor Furness:**

I refer to Councillor Mallard's minute, in relation to the bright yellow signs, I moved the amendment which gave rise to there being a six month trial, and in regards to the planning controls, it is frequently the case.

10.

**TRAFFIC – COWPER WHARF ROADWAY, WOOLLOOMOOLOO - PEDESTRIAN SAFETY AND TRAFFIC CONCERNS - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2017370)**

**Question:**

Mr Mayor, myself, other North Ward Councillors and even Councillor Bush have raised concerns over the traffic and pedestrian nightmare known as Cowper Wharf Road Way, Woolloomooloo, particularly around the Finger Wharf and Bourke Street intersection.

The major issues of concern are illegal parking (particularly in bus stops), pedestrian safety. Also, the constant disobedience of NSW road rules, U turns by motorists, particularly taxi drivers, in front of the Finger Wharf.

Could Council Officers report on what discussions have been had with the City of Sydney in relation to addressing these issues?

Can Council investigate the viability of a roundabout at the Bourke Street intersection? Also, the erection of safety fences viz the Captain Cook Hotel, Moore Park Road, in front of the Woolloomooloo Bay Hotel and Bells Hotel.

**GENERAL MANAGER**

**Answer by the Mayor:**

I am happy to refer that to the relevant Director for that information to be provided to Councillor Shaw and through the Councillors Information Service.

11.

**PROPERTIES – RESIDENT EFFECTED BY DEMOLITION WORK AT FOX STUDIOS - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2014833)****Question:**

Can the appropriate Officer provide a report in relation to claims of local residents (particularly Mrs Josephine Wadlow–Evans 9/17) in Poate Road, Centennial Park regarding recent demolition work at Fox Studios? The claim is that people have become ill as a result of the demolition and that asbestos was not treated properly during demolition.

What role or authority does Council have in this matter? Has Workcover or another agency investigated the claims?

And further, can Council write to Mrs Wadlow-Evans with advice as to Council's possible assistance or otherwise?

**Answer by the Mayor:**

I am happy to refer that to Mr McDonald for the relevant information to be secured and the passed on to Mrs Wadlow-Evans and also circulated through the Councillors Information Service.

12.

**DEVELOPMENT – NON-NOTIFICATION OF OBJECTORS CONCERNING APPLICATIONS GOING TO PLANNING AND DEVELOPMENT COMMITTEE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (D52-00159)****Question:**

- (1) Is the General Manager aware that Development Applications are coming before the Planning Committee without objectors being given due notice? That complaints concerning this matter are frequently made at Planning Committee Meetings.
- (2) Can the General Manager advise how South Sydney Council is able to operate like this and still be in compliance with the "Local Government Act" or any other Code of Conduct covering this matter?

**GENERAL MANAGER**

**Answer by the Mayor:**

In relation to the first half of your question, the General Manager is aware because I have had a long and detailed discussion with him after this was raised at a site inspection last Saturday.

In relation to the second matter, I will have to refer that to the General Manager who will organise a response back to you.

**13.****TRAFFIC – DARLINGHURST ROAD – WIDENING - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (T52-00099)****Question:**

Could a report come to Council about the possibility of widening Darlinghurst Road, which still has “no standing” signs all the way along it, which are not necessarily the way to improve it.

**Answer by the Mayor:**

I will get that information for you, but you might find that it needs to go to the Traffic Committee before it comes to Council.

**14.****PLANNING –REZONING - POSSIBLE MISINFORMATION CONTAINED IN AN OPEN SPACE FLYER - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2026430)****Question:**

To Councillor Furness, there was misinformation in Darlinghurst last year regarding Open Space in an Flyer.

Do the Democrats intend on deliberately trying to mislead the North Ward constituents?

**Answer by Councillor Furness:**

It is most unlikely the Democrats would put out a leaflet misleading another Party.

15.

**PLANNING – HOMELESSNESS - STATUS OF REPORT IMPLEMENTING SUBSIDISED HOUSING, NO. 110 OXFORD STREET, DARLINGHURST - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2025801)**

**Question:**

At the Homelessness Committee meeting we heard that there are further delays in implementing the subsidised accommodation in our property at No. 110 Oxford Street, Darlinghurst. The delay has occurred because State funding is dependent on the properties being contracted for accommodation for a period of five years.

Could the Director of Corporate Services ensure our Property Officer expedite this matter, perhaps finding a way of legally excising the residential units from the commercial properties?

**Answer by the Mayor:**

I agree with you and will refer this to Mr Peter Conroy and the appropriate information will be supplied.

16.

**PARKING – ILLEGAL – MCEVOY STREET AND WYNDHAM STREET, ALEXANDRIA - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2026248)**

**Question:**

I note the illegal parking at McEvoy Street and Wyndham Street, Alexandria, in peak periods especially causes considerable delays.

Can this be noted to the relevant Officers and can the installation of clearway controls be investigated at this intersection?

**Answer by the Mayor:**

I will refer that to the appropriate Officer who will have a response prepared for you.

17.

**PUBLIC TRANSPORT – GREEN SQUARE CENTRAL AREA - POSSIBLE RAIL LINKS -- QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (P59-00007)**

**Question:**

Light rail planning has been touched upon in the Green Square Central area. Set backs are limited only to the Central City area of the Green Square Masterplan.

Can a report with the view of expanding planning controls to allow for set backs and light rail links to the south, north, east and in particular, west of the Central Green Square DCP/LEP?

**Answer by the Mayor:**

I am happy to seek information for you. It is my understanding that the former Mayor wrote to the relevant Ministers and got a less than satisfactory response. Furthermore, Council supported that Mayor in that correspondence.

I am happy to investigate that and I will report back on the issues you have raised.

18.

**LEGAL – DEFAMATORY STATEMENTS MADE AGAINST COUNCIL -  
QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (L53-00036)**

**Question:**

What action has the Mayor taken with regard to the defamatory remarks towards Council made by Councillor Furness in his tabled press release and where is the report via the minutes that substantiates the voting on the St. Margaret's Hospital Site Camperdown Children's Hospital skilled engineering site, Erskineville and the Rex Hotel?

**Answer by the Mayor:**

I have referred the comments to the General Manager as promised. You can look up the minutes in relation to any decision by Council and there was no agreement that Council Officers would prepare a report on previous planning decisions.

**REPORT OF THE FINANCE COMMITTEE**

16 October 2002

**PRESENT**

**The Mayor Councillor Tony Pooley (Chairperson)**

**Councillors – John Bush, Christine Harcourt, and Shayne Mallard.**

At the commencement of business at 6.37 pm, those present were -

The Mayor and Councillors – Bush, Harcourt and Mallard

Moved by the Chairperson (The Mayor, Councillor Pooley), seconded by Councillor Harcourt.

**GENERAL MANAGER**

That the Report of the Finance Committee of its meeting of 16 October 2002, be received and the recommendations set out below for Items 1 to 3 inclusive, 5 to 13 inclusive, 15 to 25 inclusive, 27 and 30 to 34 inclusive be adopted. The recommendations for Items 4, 14, 26, 28, 29, and 35, to 37 inclusive having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

**Note:** In respect of Item No. 37, Councillor Furness was present whilst this matter was being discussed and left at 8.57 p.m.

1.

**RATES – ARREARS AS AT 30 JUNE 2002 (2004815)**

- (1) That the report by the Chief Financial Officer in respect of the arrears of rates and interest charges at 30 June 2002, be received and noted.
- (2) That the Chief Financial Officer prepare a report for a future Finance Committee meeting in respect of reviewing Council's Policy for the writing off of Pensioner Rates.

Carried.

2.

**PARKS – LLANKELLY PLACE, KINGS CROSS – CONTINGENCY SUM – INCREASE - CIVIL SYSTEMS CONSTRUCTION - APPROVAL (2022689)**

That for the reasons set out in the report by the Director of City Works dated 23 September 2002, approval be given to increase Civil Systems Engineering's current Contract Sum for Llankelly Place/Springfield Mall, from \$1,125,000 to \$1,215,000 (an additional \$90,000 for the project Contingency Sum) for which funds are available in the 2002/2003 Works Program – Springfield Mall (Budget ref 45-015; Project No. 21056 – (\$975,000).

Carried.

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

3.

**FEES AND CHARGES – JOSEPH SARGEANT CENTRE –HOURLY FEES – INCREASE - ADOPTION (5219971)**

That arising from consideration of a report by the Director Community Development dated 4 October, 2002 Council approve the following new hourly fee(s) for the Joseph Sargeant Centre, at Erskineville namely:-

	<b>Fee</b>	<b>GST</b>	<b>Total Fee</b>
Non profit Organisations	11.82	10%	13.00
Self Help Groups (including playgroups)	7.45	10%	8.20
Other (user Pays) Programs	30.00	10%	33.00
Security deposit - keys	20.00	-	20.00

Carried.

4.

**DONATIONS – SURRY HILLS NEIGHBOURHOOD ADVISORY BOARD'S NEIGHBOURHOOD DAY - REQUEST FOR FINANCIAL ASSISTANCE (2025737)**

This matter was submitted to Council without recommendation

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That Council support a donation to the Surry Hills Neighbourhood Advisory Board up to and not exceeding \$5,500 and the donation be added to the 2002/2003, Section 356 of the Local Government Act 1993, 24.6815.410 Budget.

Carried.

**5. FEES AND CHARGES - ERSKINEVILLE CHILDREN'S WALKING PROGRAM - INTRODUCTION OF FEES – ADOPTION (2022580)**

(1) That arising from consideration of a report by the Director of Community Development dated 4 October 2002, approval be given to the introduction of a fee of \$3.50/day for the walking program at Erskineville Children's Program to take effect from Monday 28 October, 2002.

It was moved by Councillor Lay seconded by Councillor Harcourt that a Clause (2) be added to the recommendation namely:-

(2) That a briefing of Councillors be arranged to explain the background as to the reasons why the walking fee was introduced.

Motion, as amended, carried.

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

Carried.

6.

**MEMBERSHIP - EASTERN REGION LOCAL GOVERNMENT ABORIGINAL AND TORRES STRAIT ISLANDER FORUM – ABORIGINAL MENTORING PROGRAM (2018350)**

That arising from consideration of a report of the Director of Community Development dated 11 September 2002, it be resolved that Council:-

- (1) agree to support the Aboriginal Mentoring Program;
- (2) nominate a Councillor as a mentor.

-with funds (\$350) to support this project available in the 2002/2003 Budget, Community Services, Aboriginal Services (6485.16680).

Carried.

At the request of the Mayor and by consent the motion be amended by the addition of a Clause (3) to the recommendation namely:-

- (3) That the nominated Councillor be the Mayor or his nominee.

Motion, as amended by consent, carried.

7.

**PROPERTIES – NOS. 15 – 23A KNIGHT STREET, ERSKINEVILLE – OPTIONS FOR PURCHASE – QUESTION WITHOUT NOTICE BY COUNCILLOR PETER FURNESS (2018626)**

- (1) That the information contained in the report by the Director of Corporate Services dated 17 September 2002, in the report of the purchase options of Properties Nos. 15-23A, Knight Street, Erskineville, be received and noted.

It was moved by Councillor Furness, seconded by Councillor Fowler, that the motion be amended by the addition of a Clause (2) to the recommendation namely:-

- (2) That the General Manager write to the Property owner to ascertain if the properties are for sale.

Motion, as amended, carried.

(Councillor Mallard requested that his name be recorded as voting against the foregoing motion).

Carried.

8.

**LICENSING – MARY STREET, SHOP 1, NOS. 84 – 86, SURRY HILLS – PROPOSED FOOTWAY LICENCE (NEW) (2002891)**

That arising from consideration of a report by the Director of City Environment dated 17 September 2002, approval be given to:-

- (a) the granting of a licence to Helen Rex and Matthias Mueller over the footway of Mary Street, Surry Hills adjacent to Julies Taste Temptation as shown on Plan No. S4-130/544C, accompanying the beforementioned report;
- ? Licence area: 1.5 square metres, 1 table, 2 chairs;
  - ? Hours of operation: 7.00am – 4.00pm Monday – Friday inclusive;
  - ? Period of the licence: 5 years under Part 9 Division 1 of the Roads Act 1993;
  - ? Rental: weekly per square metre (payable monthly in advance) set by the annual scale of fees and charges adopted by Council;
  - ? Subject to the conditions in the schedule accompanying the before mentioned report.
- (b) the licence in (a) above will:-
- ? not commence operation until the licence fee bond (set at \$200 in this instance) and public risk insurance are provided, the licensee has executed the licence agreement and written permission is issued to occupy the site;
  - ? lapse in twelve months from the date of Council's approval if the applicant has failed to provide the licence fee bond and public risk insurance or failed to execute the licence;
  - ? require the licensee to pay Council's legal costs and disbursements incidental in the preparation, execution and stamping of the licence agreement;
  - ? require that any rent that falls due as a result of commencing the footway licence is paid by the due date.
- (c) The execution of all-relevant documents and plans by Council's Attorney.

Carried.

9.

**LICENSING – VICTORIA STREET, NOS. 186 – 188, POTTS POINT – PROPOSED FOOTWAY LICENCE (NEW) (2027437)**

That arising from consideration of a report by the Director of City Environment dated 17 September 2002, approval be given to:-

- (a) the granting of a licence to Milk and Honey Concepts Pty Ltd of the footway of Victoria Street adjacent to Nos. 186-188 Victoria Street, Potts Point as shown on Plan No. S4-130/865, accompanying the beforementioend report.
- ? Licence area: 4 square metres 2 benches 4 bench tables.
  - ? Hours of operation: 8.00am – 12.00 midnight 7 days per week.
  - ? Period of the licence: 5 years under Part 9 Division 1 of the Roads Act 1993;
  - ? Rental: weekly per square metre (payable monthly in advance) set by the annual scale of fees and charges adopted by Council;
  - ? Subject to the conditions in the schedule accompanying the beforementioned report.
- (b) the licence in (a) above will:-
- ? not commence operation until the licence fee bond and public risk insurance are provided, the licensee has executed the licence agreement and written permission is issued to occupy the site;
  - ? lapse in twelve months from the date of Council's approval if the applicant has failed to provide the licence fee bond and public risk insurance or failed to execute the licence;
  - ? require the licensee to pay Council's legal costs and disbursements incidental in the preparation, execution and stamping of the licence agreement;
  - ? require that any rent that falls due as a result of commencing the footway licence is paid by the due date.
  - ? terminate if entertainment is provided on the premises.
- (c) the execution of all relevant documents and plans by Council's Attorney.
- (d) that a letter be forwarded to the proprietor of Milk and Honey Concepts Pty Ltd advising that the Finance Committee at its meeting held on 16 October 2002, has recommended to Council that the application be approved, but this is subject to ratification by Council at its meeting to be held on 23 October 2002.

It was moved by Councillor Lennon, seconded by Councillor Mallard that the motion be amended by the addition of a clause (e) to the recommendation namely:-

**GENERAL MANAGER**

- (e) That in the schedule of conditions, which accompanies the Director's report it be amended to read that:-

Ashtrays that are provided have lids on them to prevent cigarette butts from being blown out.

Motion, as amended, carried.

**10.**

**GRANTS - ABORIGINAL EMPLOYMENT PROGRAM – CITY WORKS DEPARTMENT (G52-00067)**

That arising from consideration of a report by the Director of City Works dated 27 September 2002, approval be given to:-

- (1) the establishment of an Aboriginal Employment Program for a period of 6 months offering a maximum of 6 positions of Council Worker Grade 1 in the Construction Branch and Parks Branch, in the City Works Department.
- (2) the allocation of \$89,388 for this program to be funded on the following basis-
  - (a) a wages assistant grant of \$26,400 under the Indigenous Employment Program auspiced by the Commonwealth Government Department of Employment, Work Place Relations, and Small Business.
  - (b) the re-allocation of \$62,988 from anticipated savings in the 2002-2003 City Works Budgets (Labour – Vacancy Factor)
- (3) Council's current recruitment policies be adhered to.

Carried.

**11.**

**PARKS – GOWRIE STREET RESERVE UPGRADE, LOTS 119, 121 AND 123 GOWRIE STREET – APPROVAL TO INCREASE CONTINGENCY SUM (2024881)**

That for the reasons set out in the report of the Acting Director of City Works dated 16 September 2002, approval be given to the increase of the contingency sum of Glascott Landscape's contract by \$20,000 enabling a revised total of \$70,000 for which funds are available in the 2002/2003 Works Program Gowrie Street Reserve Upgrade (Project No.22005) (Budget Ref 45-102).

Carried.

12.

**DONATIONS – AUSTRALIANS FOR NATIVE TITLE AND RECONCILIATION – REDFERN PARK – REQUEST FOR FREE USE AND IN KIND SUPPORT – 2 NOVEMBER 2002 (2025737)**

That further to resolution of Council dated 25 September 2002, and arising from consideration of a report by the Director of Community Development dated 4 October 2002, Council support the 5th anniversary of ANTaR by providing the following in kind support namely:-

- (1) free use of Redfern Park on 2<sup>nd</sup> November 2002;
- (2) authorising the Mayor to speak on Council's commitment to Reclaiming Rights and Reconciliation;
- (3) assisting to publicise the event.

Carried.

13.

**DONATIONS – SEPARATE LOCAL SCHOOLS POLICY - PROPOSAL (2002408)**

That for the reasons set out in the report by the Director of Community Development dated 4 October 2002, Council does not establish a separate donations Policy and Budget for local schools.

Carried.

14.

**PUBLIC RELATIONS - COUNCIL LOGO – MODIFICATION (P57-00001)**

This matter was submitted to Council without recommendation.

Moved by Councillor Shaw, seconded by Councillor Lennon.

That no modification been done to Council's logo.

Carried.

15.

**STREETS – REDFERN STREET, REDFERN – PRIORITISATION OF STREETScape WORKS FOR 2002/2003 WORKS PROGRAM (2027849)**

That arising from consideration of a report by the Acting Director of City Works dated 4 October 2002, approval be given to:-

- (1) the Stage One works of the Redfern Street Enhancement Project, the following works will need to be implemented as a priority:-

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- ? Under awning lighting scheme between Regent Street and George Street;
- ? Improvements to street furniture;
- ? Improvements to street tree amenity in terms of tree surrounds, replacement planting and up pruning.

-for which funds are available in the 2002/2003 Works Program \$250,000 Redfern Streetscape – Budget Ref 45-218.

Carried.

**16.**

**PERSONNEL – EMPLOYEE YEARS OF SERVICE PROGRAM - RECOGNITION (2023875)**

That arising from consideration of a report by the Director of Organisational Development dated 8 October 2002, Council approve the extension of its Recognition of Employee years of Service Program to include payments as listed in the beforementioned report, namely:-

- (1) 45 years service - \$750 or choice of Council gift;
- (2) 50 years service - \$1000 or choice of Council gift (with an offer to receive this form of recognition at a Council meeting with dinner to follow);
- (3) that Council approve a retrospective payment for 45 years service to its employee of 47 years.

Carried.

At the request of the Mayor and by consent the motion be amended by the insertion of the word “current” between the words “its” and “employee” where appearing in the second and third lines of Clause (3) of the above motion.

Motion, as amended by consent, carried.

**17.**

**STREETS – – ROAD WORKS - ENGINEERING WORKS PROGRAMME 2002/2003 (20232181)**

That arising from consideration of a report by the Director of City Works dated 3 October 2002, Council adopts the proposed works as detailed in each of the following Programmes, namely:-

- |     |  |             |
|-----|--|-------------|
| (1) | Mill and Resheet Programme, Stage 1 (41-005) | \$1,150,000 |
|-----|--|-------------|

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(2)	Local Roads Programme (41-015)	\$ 250,000
(3)	Preventative Maintenance Programme (41-018)	\$ 100,000
(4)	Reconstruction Works (41-019)	\$ 250,000
(5)	Regional Roads Repair Programme (41-020)	\$ 170,000
(6)	Regional Roads Block Grant (41-021)	\$ 183,000

-for which funds are available from the relevant sections of the 2002/2003 Engineering Works Programme.

Carried.

## 18.

### **DONATIONS – ART EXHIBITION “HUNG DRAWN AND QUARTERED - TWENTY FIVE ARTISTS IN TWENTY FINE YEARS” - FINANCIAL ASSISTANCE (2020152)**

That for the reasons set out in the report by the Director of Community Development, dated 9 October 2002, and following the Cultural Committee recommendation of 8 October 2002 that the Finance Committee approve payment of \$3,027 to Jim Anderson and Robert Lake for the art exhibition “Hung Drawn and Quartered - Twenty Five Artists in Twenty Fine Years” as part of Council’s support of the 2003 Mardi Gras.

Carried.

## 19.

### **FINANCE – BUDGET 2002/2003 – REVOTE OF 2001/2002 CAPITAL ITEMS (2021566)**

That arising from consideration of a report by the Chief Financial Officer dated 9 October 2002, it be resolved that Council:-

- (1) approve revotes and adjustments to the 2002/2003 Works Programme as detailed in Attachment B, accompanying the before mentioned report resulting in a gross increase in total Works Expenditure of \$70,179 to be funded by an allocation from available funds of \$77,058 and a reduction in funding from Section 94 of \$6,879.
- (2) approve revotes and adjustments to the 2002/2003 Plant and Assets Budget as detailed in Attachment C, accompanying the before mentioned report, resulting in a gross increase in total Plant Expenditure of \$1,432,009 funds for which are available from trade-ins of \$447,500 and the Vehicle and Plant Replacement Reserve of \$984,509.

Carried.

At this stage and at 8.10 pm the Mayor left the Finance Committee meeting. Councillor Harcourt was the Acting Chairperson.

**20.**

**FINANCE – 2001/2002 FINANCIAL REPORTS – ADOPTION (2019711)**

That the recommendation as contained in the report by the Chief Financial Officer dated 9 October 2002, be approved and adopted, subject to the removal of pages 46 to 49 inclusive in the Financial summary document accompanying the before mentioned report and the replacement in lieu thereof of with the new pages 46 to 49 inclusive, that were distributed at the Finance Committee meeting

In order to meet the requirements of giving public notice, the Mayor, at the Council meeting read aloud the following:-

- (1) Council adopts the 2001/2002 Financial Reports.
- (2) Council gives the required public notice of the meeting 20 November 2002 at which it will present its audited 2001/2002 Financial Reports to the public.
- (3) A Financial Summary be made available for inspection at Council's Administrative Office, Libraries & Town Halls from 23 October 2002 and that a full set of these reports will also be available at Council's Administrative Office located at Centennial Plaza, Tower B, 280 Elizabeth Street, Surry Hills.
- (4) Persons wishing to make submissions on these reports may do so, but that submissions must be in writing and lodged with Council within 7 days of the public meeting, this deadline being 27 November 2002.

Carried.

At this stage and at 8.13 pm the Mayor returned to the Finance Committee meeting during discussion on this item.

**21.**

**FINANCE – MONTHLY INVESTMENTS REPORT - PERIOD ENDING 31 AUGUST 2002 (2015594)**

That the Investments Report by the Chief Financial Officer dated 8 October 2002, for the period ending 31 August 2002, be received and noted.

Carried.

22.

**FINANCE – INVESTMENTS – DISVERSIFICATION - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2023805)**

That the report by the Chief Financial Officer dated 8 October 2002, in respect of Council diversifying its investments, be received and noted.

Carried.

23.

**FINANCE – ACCOUNTS – RECONCILIATION WITH BANK STATEMENTS FOR PERIOD ENDED 31 AUGUST 2002 (2027473)**

That the report by the Chief Financial Officer dated 4 September 2002, certifying completion of the Bank Reconciliation for the period ending 31 August 2002, be received and noted.

Carried.

24.

**FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – AUGUST 2002 (2027491)**

That Council gives confirmatory approval for the schedule of payments accompanying the report of the Chief Financial Officer dated 13 September 2002, details of which are contained in the relevant file.

Carried.

25.

**PROPERTIES – ERSKINEVILLE TOWN HALL- INNER SYDNEY REGIONAL COUNCIL FOR SOCIAL DEVELOPMENT CO-OP LTD - FREE USE 26 OCTOBER 2002 (P56-00416)**

That arising from consideration of a report by the Director of Community Development dated 10 October 2002, approval is given to Inner Sydney Regional Council for Social Development for the free use of Redfern Town Hall on 26 October 2002 and under the provisions of Section 356, of the Local Government Act 1993, Council agrees to forego \$330 in income and \$200 in costs, to allow Inner Sydney Regional Council for Social Development to conduct an AGM.

Carried.

At the request of Councillor Shaw, and by consent the whole of the above resolution be deleted and the following new resolution be inserted in lieu thereof namely:-

That arising from consideration of a report by the Director of Community Development dated 23 October 2002, approval be given to Inner Sydney Regional Council for Social Development for the free use of Erskineville Town Hall on 26 October 2002, and under the provisions of Section 356, of the Local Government Act 1993, Council agrees to forego \$330 in income and \$200 in costs.

Motion, as amended by consent, carried.

26.

**LICENSING – OXFORD STREET, NO. 134, DARLINGHURST AREA, ADJACENT IN BOURKE STREET – PROPOSED FOOTWAY LICENCE (2027465)**

This matter was submitted to Council without recommendation.

Moved by the Mayor , seconded by Councillor Shaw.

That arising from consideration of reports by the Director of City Environment dated 4 October and 18 October 2002, that was circulated prior to the Council meeting commencing, approval be given to:-

- (a) the granting of a licence to Wynsix Hotels (Oxford Street) Pty Ltd over the footway of Bourke Street adjacent to The Oxford Hotel as shown on Plan No. S4-130/866A, accompanying the Director's report.
  - ? Licence area: 49 square metres, 14 tables, 56 chairs
  - ? Hours of operation: 10.00 am – 10.00 pm 7 days week.
  - ? Period of the licence: 3 years under Part 9 Division 1 of the Roads Act 1993;
  - ? Rental: weekly per square metre (payable monthly in advance) set by the annual scale of fees and charges adopted by Council;
  - ? Subject to the conditions in the schedule accompanying the Director's report.
- (b) the licence in (a) above will:-
  - ? not commence operation until the licence fee bond and public risk insurance are provided, the licensee has executed the licence agreement and written permission is issued to occupy the site;
  - ? lapse in twelve months from the date of Council's approval if the applicant has failed to provide the licence fee bond and public risk insurance or failed to execute the licence;
  - ? require the licensee to pay Council's legal costs and disbursements incidental in the preparation, execution and stamping of the licence agreement;

- ? require that any rent that falls due as a result of commencing the footway licence is paid by the due date.
  - ? terminate if entertainment is provided on the premises.
  - ? provide a letter from all public utility authorities with services within the licence area to say that access arrangements to their services will be satisfactory after construction of the deck and before construction commences.
  - ? give access to the area to allow the construction associated with the upgrade of Taylor Square to continue.
- (c) the execution the all relevant documents and plans by Council's Attorney.
  - (d) the licence being approved to operate until construction work for the upgrade of Taylor Square commences and that the Licence Agreement be suspended with 1 months notice in writing. Thereafter the licence revert to the standard condition that 3 months notice in writing be given if the area is required for construction purposes.
  - (e) that approval of appropriate furniture for the Taylor Square licences be with the concurrence of the Director City Environment and the Director City Works.
  - (f) the licence being reviewed after 6 months of operation following completion of the upgrade of Taylor Square to ensure it is consistent with management objectives being developed for Taylor Square Public domain Improvements.
  - (g) no advertising of any form is to be permitted within the licence area including on furniture, A-Frames, menu-boards or sandwich boards.
  - (h) access to public authority services must be provided at all times.
  - (i) the licensee must provide wheelchair access to the licence area via the splayed corner entrance to the building and directly to the licence area from the footpath.
  - (j) additional under the awning lighting be provided to secure the licence area.

It was moved by Councillor Mallard, seconded by Councillor Furness, that the matter be deferred for discussions to take place between relevant Council personnel, Reid Constructions Pty Ltd., the applicant and the Consultants in respect of the proposed deck and the matter be referred to the next Planning and Development Committee.

Amendment negatived.

Substantive motion as moved by the Mayor, carried

27.

**STREETS – COMPULSORY ACQUISITION OF EASEMENTS – LEASING –  
TRANSGRID – PART MITCHELL ROAD, ALEXANDRIA, ABERCROMBIE AND  
WATTLE STREETS, CHIPPENDALE (2026230, 2026231)**

That for the reasons set out in the report by the Director of City Environment dated 10 October 2002, Council's approval be given to:-

- (1) Council as owner and road authority enter into agreements with Transgrid for the following interests in the public road, namely:-
  - (a) Wattle Street Ultimo (shown in Appendix 1), accompanying the before mentioned report.
    - (i) Acquisition of an easement for \$17,500.00 (including GST)
    - (ii) Lease of land \$17,100.00 pa (including GST) and subject to annual increases in accordance with the Consumer Price Index (All Ordinaries) Sydney commencing from the date of the compulsory acquisition is Gazetted to the 30 June 2003 and then month by month as determined by the General Manager.
  - (b) Abercrombie Street Darlington (shown in Appendix 2) accompanying the before mentioned report.
    - (i) Acquisition of an easement for \$1,000.00 (including GST)
    - (ii) Lease of land \$1,800.00 pa (including GST) for a period of 1 year from a date to be determined.
  - (c) Mitchell Road Alexandria (shown on Appendix 3) accompanying the before mentioned report.
    - (i) Acquisition of an easement for \$1,000.00 (including GST)
    - (ii) Lease of land \$1,800.00 pa net including GST for a period of 1 year from a date to be determined.
  - (d) That Transgrid will not occupy the site prior to the final approval of the South Sydney Traffic Committee to the traffic management plans and final site location.
  - (e) That in the event that the final approved from the South Sydney Traffic Committee results in a different site coverage the rental be recalculated using a rate per square metre equivalent to that set out in (a), (b) and (c) above.

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- (2) That the site of the lease area be renegotiated to be clear of the proposed road closure area in Wattle Street, Chippendale at the time the formal closure is notified in the Government Gazette or when specified by the General Manager.
- (3) That Transgrid 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 Transgrid against any claims that may arise during the terms of the lease (in accordance with the clause set out in Appendix 4, accompanying the Director's report to be included in the Lease).
- (4) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer and the costs of valuation incurred by Council are to be borne by the Transgrid.
- (5) That all relevant documents are to be executed by Council's Attorney.

Carried.

**28.**

**PARKS - FITZROY GARDENS AND LAWRENCE HARGREAVES RESERVE - DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENTATION - ACCEPTANCE OF TENDER (2027852)**

This matter was submitted to Council without recommendation.  
Moved by the Mayor, seconded by Councillor Harcourt:-

That the matter be deferred to the next Finance Committee Meeting.

Carried.

**29.**

**DONATIONS – RECONFIRMATION OF SUPPORT FOR MARDI GRAS DURING 2003 SEASON (2023268)**

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Mallard:-

That arising from consideration of a report of the Director of Community Development Department dated 10 October 2002, it be resolved that:-

- (a) Council approves the transferral of the donation contract with Sydney Gay & Lesbian Mardi Gras, to the new entity, "New Mardi Gras", for the previously agreed sum of \$125,000 for the 2003 season.

- (b) Council approve the additional cash donation of \$50,000 for “New Mardi Gras”.

It was moved by Councillor Shaw, seconded by Councillor Harcourt that the motion be amended by the deletion of the amount of \$50,000 where appearing in the first line of Clause (b) of the recommendation and the insertion in lieu thereof, of the amount of \$25,000.

Prior to the motion being put to the vote, Councillor Bush left the Council Chambers and was not present when the matter was voted on.

The Mayor then put the motion to the vote.

Councillor Harcourt requested a show of hands.

Voting was 4 votes all

The motion was carried on the casting vote by the Mayor.

Motion, as amended by Councillor Shaw, carried.

At this stage, Councillor Bush returned to the Council Chambers

Following completion of Item No.32 on the Finance Committee it was moved by Councillor Mallard, seconded by Councillor Bush that Item No. 29 on the Finance Committee be re-committed.

Carried.

It was moved by Councillor Mallard, seconded by Councillor Bush that the amount of \$25,000 where appearing in the first line of Clause (b) of the resolution be deleted and the amount of \$45,000, be inserted in lieu thereof.

It was moved by Councillor Harcourt, seconded by Councillor Shaw, that the amount of \$25,000 in Clause (b) be unchanged.

Amendment negatived.

Substantive amendment as moved by Councillor Mallard carried.

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

30.

**MANUAL OF STANDARD PROCEDURE - REPORTS TO BE SUBMITTED TO COMMITTEES AND COUNCIL – NEW FORMAT - ADOPTION (M51-00002)**

- (a) That the new format for all reports for Committee and Council, accompanying the report of the Acting Civic Affairs Manager/Public Officer dated October 4, 2002, be approved and adopted.

It was moved by the Mayor, seconded by Councillor Harcourt, that the motion be amended by the addition of a Clause (b) to the recommendation namely:-

- (b) That Delegated Authority be given to the General Manager to make changes to the New Format of reports submitted to Committees and Council, as and when necessary.

Motion, as amended by consent, carried.

31.

**INSURANCE – COMMUNITY ACTIVITIES - LIABILITY COVER (2027485)**

- (A) That for the reasons outlined in the report by the Acting Director of Corporate Services dated 10 October 2002, Council received and notes the options available in terms of Public Liability Cover as detailed in the before mentioned report
- (B) Delegated Authority be granted to the General Manager to approve indemnity for individuals or groups who are unable to obtain public liability cover.

Carried.

32.

**SPORTS – CYCLING - COMMUNITY AND ROAD EDUCATION SCHEME (CARES) FACILITY, NOS. 410-416, SYDNEY PARK, ALEXANDRIA – ACCEPTANCE OF TENDER FOR CONSTRUCTION (2025070)**

That for the reasons outlined in the report by the Acting Director of City works dated 9 October 2002, approval be given to accept the tender submitted by Belmadar Constructions to carry out the construction of the C.A.R.E.S. Facility at Nos. 410-416 Sydney Park Road Alexandria for the lump sum price of \$1,174,712 (including GST) and the provision of \$160,188 as a contingency for unforeseen works. Funds of \$1,363,000 are currently available in the 2002/20003 Works Programme (Project No. 21025).

Negatived.

A show of hands was requested.

5 votes to 4.

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

That the CARES facility not be installed in Sydney Park and the expenditure that will be saved be returned to the Community Grants Programme.

Following discussion on the matter, it was moved by the Mayor, seconded by Councillor Shaw that the whole of the above motion be deleted and the following new resolution be inserted namely:-

That the matter be deferred and referred to the next Finance Committee, and that a briefing of Councillors be arranged.

Amendment as moved by the Mayor, carried.

Following the finalisation of Item No. 32 above, a motion to re-commit Item No. 29 was moved and carried.

See Item No. 29 for outcome and decision.

**33.**

**ADMINISTRATION – POWER OF ATTORNEY – DELEGATION - DIRECTOR OF CORPORATE SERVICES , MR. P. CONROY (A53-00020)**

That arising from consideration of a report by the Director of Corporate Services dated 27 September 2002, approval be given to:-

- (a) Power of Attorney being granted to the Director of Corporate Services Peter John Conroy , in a similar form to the Power of Attorney to the General Manager, registered Book 4349, No 307 dated 1 May 2002 and executed under the Common Seal of the Council
- (b) Council's Legal Officer arranging for registration of the Power of Attorney; and
- (c) The authority to use the Power of Attorney being included in the Manual of Standard Procedure

Carried.

34.

**CONFERENCES – LOCAL GOVERNMENT AND SUSTAINABILITY  
WORKSHOP – 31 OCTOBER 2002 – SYDNEY – ATTENDANCE BY COUNCIL  
REPRESENTATIVES (2016186)**

That arising from consideration of a report by the General Manager dated 15 October 2002, approval be given to the Mayor, interested Councillors, the General Manager and/or his nominee, attending the Local Government and Sustainability Workshop to be held at the Westin, No 1 Martin Place, Sydney on Thursday 31 October 2002 and that registration fees, out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds will be available in the 2002/2003 Budget.

Carried.

35.

**DONATIONS – KINGS CROSS PARTNERSHIP – PLANNING N.S.W. URBAN  
IMPROVEMENT PROGRAM (U.I.P.) – REQUEST FOR FINANCIAL  
ASSISTANCE**

This matter was submitted to Council without recommendation.

Moved by The Mayor, seconded by Councillor Harcourt:-

- (1) That Council donate \$50,000 to the Kings Cross Partnership as part of the Planning N.S.W. Urban Improvements Program (U.I.P.);
- (2) That the \$50,000 donation to the Kings Cross Partnership be only given on the proviso that the Partnership receive the other \$150,000 from other sources towards the project.

(GM 16.10.02)

A show of hands was requested.

Carried 5 votes to 4.

36.

**SIGNS – BANNER POLES – HIRING - POLICY (2004473)**

This matter was submitted to Council without recommendation.

Moved by The Mayor, seconded by Councillor Harcourt.

That arising from consideration of a report by the Director of Community Development dated 16 October 2002, it be resolved that:-

- (1) Council approve the list of charges as set out in the Banner Poles Policy document accompanying the Director's report and authorises their exhibition for 28 days, as per section 612 of the Local Government Act. 1993;
- (2) the income generated by the installation service is allocated to the Parks Branch budget and the income generated through the hire service is allocated to the Marketing & Communications income budget;
- (3) every twelve months a report of any exemptions/donations will be provided to Council;
- (4) the advertising of the fees also include an authorisation of the General Manager to grant exemptions for registered charities or non-profit organisations from some or all of the \$60 per week hiring fee and/or the \$200 establishment fee if:-
  - (a) the aims of the organisation and the banner content are consistent with Council's policy,
  - (b) that the proposed use does not conflict with a proposed use by Council,
  - (c) that the proposed use does not conflict with a regular booking by a full fee-paying hirer.

Carried.

37.

**CELEBRATIONS – GAY GAMES 2002 – REQUEST FOR FINANCIAL GUARANTEE (2020152)**

At the Committee meeting a letter was tabled from the Sydney 2002 Gay Games dated 16 October 200, and circulated at the meeting.

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

That arising from consideration of a report by the Chief Financial Officer dated 23 October 2002, Council offers Westpac on behalf of Sydney 2002 Gay Games Ltd. a guarantee to maximum value of \$250,000 to cover losses incurred by Westpac should the Opening ceremony of the 2002 Gay Games be cancelled, except where cancellation is caused by poor weather

It was moved by Councillor Shaw, seconded by The Mayor that the bank guarantee amount be reduced to \$200,000.

Amendment negatived.

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A show of hands was requested  
5 votes to 4

Carried.

Substantive motion, carried.

The Finance Committee Meeting terminated at 9.06 p.m.

At this stage and at 8.38 pm, it was moved by the Mayor, seconded by Councillor Bush:-

That the Council resolve to meet as a Committee as a Whole, with press and public excluded, to discuss the following matters, as they dealt with Properties and Legal Matters.

Carried.

#### **FINANCE (CONFIDENTIAL MATTERS)**

1. **PROPERTIES – COUNCIL’S GREEN SQUARE PROPERTIES - DEVELOPMENT - PROJECT MANAGEMENT ORGANISATION TO MANAGE – TENDERS – REJECTION (2008384)**
2. **PROPERTIES – NEW CIVIC ADMINISTRATION CENTRE, NOS. 956 – 960 BOURKE STREET, WATERLOO - EXPRESSIONS OF INTEREST - JOINT VENTURE (2008384)**
3. **PROPERTIES – CIVIC ADMINISTRATION CENTRE AFTER SEPTEMBER 2003 – PROPOSALS – TNT TOWER 2, NO. 1 LAWSON STREET, REDFERN (2013555)**

#### **PLANNING AND DEVELOPMENT COMMITTEE (CONFIDENTIAL MATTERS)**

1. **WARATAH STREET, RUSHCUTTERS BAY – DEMOLITION AND RELOCATION OF EXISTING TENNIS COURT AND CAFE WITHIN RUSHCUTTERS BAY PARK TENNIS CENTRE COMPLEX – DEVELOPMENT APPLICATION (U02-00364)**

2.

**STREETS – PROPOSED CROSS CITY TUNNEL PROJECT –  
SUPPLEMENTARY E.I.S. – QUESTION WITHOUT NOTICE BY COUNCILLOR  
LENNON (2027648)**

It was moved by Councillor Furness, seconded by Councillor Bush, that Item No.1 in the Planning and Development Committee (Confidential Matters) not be dealt with in closed Council but in open Council.

The Director of Corporate Services informed the meeting that as Item No. 1, in the Planning and Development Committee (Confidential Matters) involved a third party, it was prudent that this matter be discussed in closed Council.

The Mayor then put the matter of Item No.1 in the Planning and Development Committee (Confidential Matters) being dealt with in open Council, to the vote.

Amendment Negatived.

Councillors Furness and Mallard requested that their names be recorded as voting as the foregoing motion.

The undermentioned decisions are from the Committee Meeting:-

**REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)**

**WEDNESDAY 16 OCTOBER 2002 AT 9.07 PM**

**PRESENT**

**The Mayor, Councillor Tony Pooley (Chairperson)**

**Councillors – John Bush, Christine Harcourt and Shayne Mallard**

At the commencement of business at 9.07 pm, those present were -

The Mayor and Councillors – Bush, Harcourt and Mallard.

In accordance with Section 10D of the Local Government Act, 1993, the Committee to resolve that the press and public be excluded from the meeting of the Finance Committee (Confidential Matters) during consideration of the undermentioned items, and further, access to correspondence and reports being withheld in respect of such Items because in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The reason that the Items are Press and Public excluded is in accordance with Section 10A(2)(c) of the Local Government Act, 1993, which states, “information that would,

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if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business”.

The Committee **recommends** the following:-

1.

**PROPERTIES – COUNCIL’S GREEN SQUARE PROPERTIES - DEVELOPMENT - PROJECT MANAGEMENT ORGANISATION TO MANAGE – TENDERS – REJECTION (2008384)**

To Council without recommendation.

That all the words following the word “Organisation” where appearing in clause 3(a) of the recommendation in the report by the Director of Corporate Services dated 8 October 2002, be deleted.

2.

**PROPERTIES – NEW CIVIC ADMINISTRATION CENTRE, NOS. 956 – 960 BOURKE STREET, WATERLOO - EXPRESSIONS OF INTEREST - JOINT VENTURE (2008384)**

(Councillor Mallard declared an interest in the matter and left the Committee Room whilst the matter was being discussed and voted on.)

Approved as recommended by the Director of Corporate Services in the report dated 8 October 2002.

3.

**PROPERTIES – CIVIC ADMINISTRATION CENTRE AFTER SEPTEMBER 2003 – PROPOSALS – TNT TOWER 2, NO. 1 LAWSON STREET, REDFERN (2013555)**

Approved as recommended by the Director of Corporate Services in the report dated 10 October 2002, and the General Manager confirmed to Councillors present that he would liaise with staff regarding any fit out of the Administration Centre.

The Finance Committee (Confidential Matters) Meeting terminated at 9.25 p.m.

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

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

At 8.59 pm the Council meeting resumed.

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

The Acting Supervising Committee Clerk read out the following recommendations namely:-

1.

**PROPERTIES – COUNCIL’S GREEN SQUARE PROPERTIES - DEVELOPMENT - PROJECT MANAGEMENT ORGANISATION TO MANAGE – TENDERS – REJECTION (2008384)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Harcourt.

That the recommendation as contained in the report by the Director of Corporate Services dated 8 October 2002, in respect of the rejection of the Tenders submitted regarding the management of Council’s Green Square properties, be approved and adopted subject to the deletion of all the words following the word “Organisation” where appearing in clause 3(a) of the recommendation of the beforementioned report.

Carried.

2.

**PROPERTIES – NEW CIVIC ADMINISTRATION CENTRE, NOS. 956 – 960 BOURKE STREET, WATERLOO - EXPRESSIONS OF INTEREST - JOINT VENTURE (2008384)**

At the Finance (Confidential) Committee Meeting and the Committee of the Whole Meeting, Councillor Mallard declared an interest in the matter and left the Committee Room and the Committee of the Whole Meeting whilst the matter was being discussed and voted on.

That the recommendation as contained in the report by the Director of Corporate Services dated 8 October 2002, in respect of a joint venture for Council’s new Administration building at Nos. 956 – 960 Bourke Street, Waterloo, be approved and adopted.

Carried.

3.

**PROPERTIES – CIVIC ADMINISTRATION CENTRE AFTER SEPTEMBER 2003 – PROPOSALS – TNT TOWER 2, NO. 1 LAWSON STREET, REDFERN (2013555)**

That the recommendation as contained in the report by the Director of Corporate Services dated 10 October 2002, in respect of the Civic

Administration Centre after September, 2003, be approved and adopted, and the General Manger confirmed to Councillors present that he would liaise with staff regarding any fit out of the Administration Centre.

Carried.

**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE  
(CONFIDENTIAL MATTERS)**

**WEDNESDAY 16 OCTOBER 2002 AT 9.50 PM**

**PRESENT**

**Councillor Jill Lay (Chairperson)**

**Councillors – John Fowler, Peter Furness, Amanda Lennon and Greg Shaw**

At the commencement of business at 9.50 pm, those present were -

Councillors – Fowler, Furness, Lay, Lennon and Shaw.

In accordance with Section 10D of the Local Government Act, 1993, the Committee to resolve that the press and public be excluded from the meeting of the Planning and Development Committee (Confidential Matters) during consideration of the undermentioned items, and further, access to correspondence and reports being withheld in respect of such Items because in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The reason that these Items are Press and Public excluded is in accordance with Section 10A(2)(g) of the Local Government Act, 1993, which states, "advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege".

The Committee **recommends** the following:-

1.

**WARATAH STREET, RUSHCUTTERS BAY – DEMOLITION AND  
RELOCATION OF EXISTING TENNIS COURT AND CAFE WITHIN  
RUSHCUTTERS BAY PARK TENNIS CENTRE COMPLEX – DEVELOPMENT  
APPLICATION (U02-00364)**

That the recommendation as contained in the report by the Director of City Environment dated 1 October 2002, be approved and adopted.

**GENERAL MANAGER**

2.

**STREETS – PROPOSED CROSS CITY TUNNEL PROJECT –  
SUPPLEMENTARY E.I.S. – QUESTION WITHOUT NOTICE BY COUNCILLOR  
LENNON (2027648)**

That the recommendation as contained in the joint report by the Director of City Environment and the Director of City Works dated 12 September 2002, be approved and adopted.

The Planning and Development Committee (Confidential Matters) Meeting terminated at 10.03 p.m.

1.

**WARATAH STREET, RUSHCUTTERS BAY – DEMOLITION AND  
RELOCATION OF EXISTING TENNIS COURT AND CAFE WITHIN  
RUSHCUTTERS BAY PARK TENNIS CENTRE COMPLEX – DEVELOPMENT  
APPLICATION (U02-00364)**

That the recommendation as contained in the report by the Director of City Environment dated 1 October 2002, be approved and adopted.

2.

**STREETS – PROPOSED CROSS CITY TUNNEL PROJECT –  
SUPPLEMENTARY E.I.S. – QUESTION WITHOUT NOTICE BY COUNCILLOR  
LENNON (2027648)**

That the recommendation as contained in the Joint report by the Director of City Environment and City Works dated 12 October 2002, be approved and adopted

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

The Finance Committee (Confidential Matters) Meeting terminated at 9.25 p.m.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

16 October 2002

**PRESENT****Councillor Christine Harcourt (Chairperson)****The Mayor Councillor Tony Pooley and Councillors John Bush and Shayne Mallard.**

At the commencement of business at 9 26 pm those present were -

The Mayor and Councillors:- Bush, Harcourt and Mallard.

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

That the Report of the Community Services Committee of its meeting of 16 October 2002, be received and the recommendations set out below for Items 1-4 inclusive be adopted.

Carried.

The Committee **recommended** the following:-

1.

**PARKS – WARD PARK, SURRY HILLS – APPROVAL TO MASTERPLAN AND CALL TENDERS TO CONSTRUCT (2009360)**

That arising from consideration of a report by the Acting Director of City Works dated 11 September 2002, approval be given to:-

- (1) adopt the Ward Park Masterplan (as per Appendix A that was circulated separately, prior to the committee Meeting commencing) (Ward Park Improvements);
- (2) proceed with the documentation, call tenders and construct Ward Park Junior Playground upgrade as Stage One in the Ward Park Improvements (as per Appendix B – that was circulated separately prior to the Committee Meeting commencing Ward Park Junior Playground). The estimated cost is \$250,000 (GST not included) for which funds of \$300,000 are available in the Parks Development 2002/2003 Budget – Ward Park (Project No. 23009; Bud. 45-217).

Carried.

**GENERAL MANAGER**

2.

**PROPERTIES - SUBSIDISED ACCOMMODATION - REVIEW (P56-00044)**

That arising from consideration of the report by the Director of Community Development dated 4 October 2002, Council endorse the Project Plan for Review of the Subsidised Accommodation program and the Proposed Assessment Criteria, as outlined in the above report, subject to the addition of a Clause No. 8 under the heading "Proposed Assessment Criteria" where appearing on page 3 of the report namely:-

- (8) That under exceptional circumstances all of the other criteria need not apply.

Carried.

3.

**PLANNING - ENDORSEMENT OF PROJECT PLAN FOR COUNCIL'S HOMELESSNESS STRATEGY - EXTENSION OF TIME FRAME IN THE MANAGEMENT PLAN (2025801)**

That arising from consideration a report by the Director of Community Development dated 12 September 2002, that Council:-

- (1) endorse the project plan for the development of the South Sydney Homelessness Strategy;
- (2) approve an extension to the time frame in the Management Plan 2002-2005 for completion of the Homelessness Strategy from September 2002, to June 2003.

Carried.

4.

**PLANNING – TAYLOR SQUARE – OXFORD, FLINDERS AND BOURKE STREETS, DARLINGHURST/SURRY HILLS – QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2023675)**

That Council receives and notes the information contained in the report by the Acting Director of City Works dated 9 October 2002, and that approval be given to option No. 2 only in the before mentioned report namely that:-

Council remove the subject tree and construct Taylor Square Upgrade in accordance with the adopted Concept Design Plan and Development Application.

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

- (1) an independent Consultant do an assessment of design and cost retaining the subject tree;
- (2) whether the subject tree would survive, if retained, taking into consideration that motor vehicles would be running over its roots;
- (3) the matter be referred back to the Finance Committee for consideration following the consultants assessment.

Motion as amended, carried.

The Community Services Committee Meeting terminated at 9.30 p.m.

## REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

16 October 2002

### PRESENT

**Councillor Jill Lay (Chairperson)**

**Councillors – John Fowler, Peter Furness, Amanda Lennon, Greg Shaw**

At the commencement of business at 6.40 pm, those present were -

Councillors – Fowler, Furness, Lay, Lennon and Shaw.

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

That the Report of the Planning and Development Committee of its meeting of 16 October 2002 be received and the recommendations set out below for Items 3, 4, 8, 16, 17, 18 and 22 to 28, inclusive, be adopted. The recommendations for Items 1, 2, 5 to 7, inclusive, 9 to 15, inclusive, 19 to 21, inclusive, 29 and 31, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**KING STREET, NO.145, NEWTOWN, MARLBOROUGH HOTEL – INTERNAL ALTERATIONS AND ADDITIONS TO EXISTING HOTEL, INCLUDING NEW STAIRS, DEMOLITION OF TWO INTERNAL WALLS FOR NEW POOL ROOM ON THE FIRST FLOOR, NEW KITCHEN AND BAR AREA AT SECOND (ROOF) FLOOR LEVEL – DEVELOPMENT APPLICATION (U02-00097)**

This matter was submitted to Council without recommendation.

**GENERAL MANAGER**

Moved by Councillor Lay, seconded by Councillor Furness:-

That the application be deferred pending receipt of further comment from the Newtown Police regarding the proposal and re-notification of the development application within the local area.

Carried.

2.

**BOURKE STREET, NO. 416, SURRY HILLS – REFURBISH EXISTING HOTEL (KNOWN AS HOPETOUN HOTEL) INCLUDING INSTALLATION OF NOISE SCREENS, NEW COURTYARD AT SIDE/REAR OF PROPERTY, AND 42 SEAT RESTAURANT – DEVELOPMENT APPLICATION (U99-01317)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Furness:-

(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 Cracknell Lonergan Architects, with the authority of The Lion Investment Group Pty Ltd, to Alterations and additions to hotel, including screens, new courtyard and gaming room, plus convert first floor of hotel to 42 seat restaurant, subject to the following conditions, namely:-

(1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 3 months of the date of this deferred commencement consent and shall be approved to the satisfaction of, and in writing by the Director of City Environment, prior to approval of an application for a Construction Certificate:

- (a) Details in accordance with Condition 17;
- (b) Details in accordance with Condition 19; and
- (c) Details in accordance with Condition 20;

(2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

**GENERAL MANAGER**

- (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$150, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) That the proposed development shall be generally in accordance with the plans labelled in the table below, marked in red by Council, stamped approved by Council, and held in council's file U99-01317, except where conditioned elsewhere in this consent:

<b>Drawing Number</b>	<b>Revision</b>	<b>Dated</b>
01317/99 (by Council)	A and B (by Council)	12 Nov 1999 (by Council)

- (5) That the external shutters shall be removed within 60 days from the date of this notice of Determination and shall be relocated internally at the Fitzroy Street frontage only as shown on the endorsed plans;
- (6) That nothing in this consent gives authorisation to construct an elevated timber floor with railing on the Bourke Street public way;
- (7) That the hours of use of the restaurant on the first floor shall be consistent with the operating hours previously approved by Council for the Hopetoun Hotel, which are as follows:

<b>Day</b>	<b>Opening Hour</b>	<b>Closing Hour</b>
Monday	10.00am	12.00 Midnight
Tuesday	10.00am	12.00 Midnight
Wednesday	10.00am	12.00 Midnight
Thursday	10.00am	12.00 Midnight
Friday	10.00am	12.00 Midnight
Saturday	10.00am	12.00 Midnight
Sunday	10.00am	10.00pm

- (8) That live entertainment shall only be provided on the ground floor level in the area marked by Council as "stage area" on the plans;
- (9) That the total number of people (including all staff employed on site) permitted across all areas of the site, including the courtyard, basement, and first floor level, shall be no more than 139 people at any one time;
- (10) That the number of patrons permitted at any one time in the restaurant on the first floor shall be no more than 42 and at any one time in the courtyard shall be no more than 13. Signs advising

patrons of the restriction on people in these areas shall be located in both areas.

- (11) That a sign shall be installed in the courtyard opposite the doors leading from the hotel advising all patrons to keep noise levels at a minimum;
- (12) That the three ground floor windows at the Fitzroy Street and Bourke Street elevations (excluding the Courtyard windows) shall be double glazed with a minimum 10.38mm laminated glass and have a minimum separation between each glazing section of at least 200mm, so as to comply with the recommendations in Section 7.2 of the acoustic report by PKA Acoustic Consulting dated October 2001. Evidence of the correct installation of these seals is to be provided before releasing of the Occupation Certificate;
- (13) That a second set of doors shall be constructed to the stage door entrance on Bourke Street. These second set of doors are to have a solid core thickness of at least 35mm, glass panels of at least 6.38mm, and acoustic seals similar to or equivalent to those specified in Section 7.1 of the acoustic report by PKA Acoustic Consulting dated October 2001. Evidence of the correct installation of these seals is to be provided before releasing of the Occupation Certificate;
- (14) That all other windows on the site (that is, the first floor windows, but not the courtyard windows) shall be fitted with acoustic seals so as to comply with the recommendations in Section 7.3 of the acoustic report by PKA Acoustic Consulting dated October 2001. Evidence of the installation of these seals and their correct installation is to be provided prior to the release of the Occupation Certificate;
- (15) That in accordance with Sections 7.3 and 7.4 of the acoustic report by PKA Acoustic Consulting dated October 2001, all doors on the site are to have appropriately aligned acoustic seals to the frame and base. The only exception is the main entry door, which is exempt from having an acoustic seal to the base of the door. Evidence of the installation of these seals and their correct installation is to be provided prior to the release of the Occupation Certificate;
- (16) That the cellar door hatch on the Bourke Street façade shall be redesigned in accordance with Section 7.5 of the acoustic report by PKA Acoustic Consulting dated October 2001 by adding a dampening material to the underside of the hatch. An appropriate material would be loaded vinyl or loaded rubber with a mass of 4kg/sq metre or 8kg/sq metre. This material should be attached to the metal using a suitable glue or other adhesive. Evidence of the installation of these seals and their correct installation is to be provided prior to the release of the Occupation Certificate;

- (17) That two sets of self closing doors of an appropriate thickness and installed with acoustic seals in accordance with the requirements of a qualified acoustic engineer shall be installed between the hotel and the courtyard to create an airlock between both these areas. The thickness, insulation, and acoustic seals to these doors shall be in accordance with a qualified acoustic engineer. Any structure required to extend into the courtyard to install the two sets of doors shall be constructed such that it does not allow for the transmission of noise detailed in condition 30. The location and design of these doors are to be provided to the satisfaction of the Director of City Environment;
- (18) That the roller shutters to the ground floor windows shall be lowered and windows on the first floor shall be closed at least one hour before the commencement of any entertainment on the premises, until 12.00am each midnight;
- (19) That the rear courtyard shall not be extended beyond its current area, as shown on the plans and the courtyard shall not be accessible between 9.00pm and 12.00 Midnight each night. The canopy shall be accordingly reduced in size and shall be of a material which assists in minimising noise transmission. Further, a planter box with a minimum depth of 1 metre shall be located in the area marked in red by Council to ensure that the area is not trafficked. The planter box shall be appropriately landscaped with details of its maintenance included in the Plan of Management. Consequently, details on the canopy size and material, details on the landscaping, the maintenance requirements for the landscaping shall be submitted to Council and shall be to the satisfaction of the Director of City Environment;
- (20) That the proposed art work facing Bourke Street is not approved by this consent;
- (21) That the Patron Management Plan shall be amended to include the following and shall be signed by both the Licensee and owner of the premises and submitted to the satisfaction of the Director of City Environment:
- (a) That at least two security staff shall be employed on site from either 6.00pm or one hour before the commencement of any entertainment on the premises, whichever occurs is earlier, until 12.00am each night;
  - (b) That the role of the security staff shall include surveying the courtyard, basement, basement toilets, and Fitzroy Street frontages on a regular basis;
  - (c) That the courtyard is not available for patrons to access from 9.00pm each evening;

- (d) That a tamper proof sound limiting device has been installed within the site in accordance with Condition 24;
  - (e) Details on the landscaping maintenance schedule;
- (22) That the wood framed windows fronting Bourke Street adjacent to the Courtyard shall be fixed closed;
  - (23) That the external tiles damaged by the installation of the external shutters shall be replaced with tiles of the similar type, size, colour, hue and glaze as those removed within 60 days of this Notice of Determination;
  - (24) That a tamper proof sound level limiting device shall be installed and set so that amplified music does not exceed the current requirements of the Liquor Administration Board or Council, whichever is more stringent. Details on its location shall be submitted with the Construction Certificate;
  - (25) That the door to the proposed plant room shall be provided with a fire resistance level of at least -/60/30;
  - (26) That storage cupboards under required non-fire isolated stairs shall have their walls and ceiling constructed from materials having a fire resistance level in accordance with the relevant sections of the Building Code of Australia and any access doorway to the cupboard shall be fitted with a self closing fire door in accordance with the Building Code of Australia;
  - (27) That the existing fire fighting services shall be properly maintained;
  - (28) That all internal bathrooms shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
  - (29) That noise from patrons and amplified music emitted from the licensed premises shall have a LA10 noise level not exceeding 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am and 12.00am when assessed at the nearest affected residential boundary. the background noise level shall be measured in the absence of noise emitted from the licensed premises;
  - (30) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:

- (a) all proposed and altered mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
  - (b) the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
  - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes of commercial food premises: STANDARD REQUIREMENT – National Code for the Construction and Fitout of Food Premises And the Food Act, 1989 and Regulations thereunder;
- (31) 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;
- (32) 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 Works Zone;
- (33) That any lighting on the site shall be designed to ensure no adverse impact on the amenity of the surrounding area by light overspill. Lighting shall comply with the AS 4282-1997 - Control of the Obtrusive Effects of Outdoor Lighting.
- Lighting shall also provide a safe and comfortable visual environment for pedestrian movement at night. Lighting shall comply with the AS/NZS 1158.3.1:1999 standard - Pedestrian area (category P) lighting, performance and installation design requirements;
- (34) 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);
- (35) 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;
- (36) That designated wash hand facilities be provided in all food preparation areas, or areas where food handlers hands are likely to be a source of contamination, and be provided with an adequate supply of warm potable water supplied under pressure and mixed through a common outlet;
- (37) That the construction, fitout and finishes of the premises shall comply with the Food Act 1989 and Regulations thereunder and the National Code for the Construction and Fitout of Food Premises;

- (38) That adequate provision shall be made for the installation of a mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation is to be carried out;
- (39) That an adequate supply of soap or other item that may be used to thoroughly clean hands, together with an adequate supply of single use towels (including container for used towels) or other effective hand drying facility, is provided at or near each hand washing facility;
- (40) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (41) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operation Act, 1997;
- (42) That the business proprietor shall enter into a contract for the daily removal of trade waste from the premises;
- (43) 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;
- (44) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (45) 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;
- (46) 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;
- (47) That all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (48) That all glazing materials shall comply with Part 3.6 of the BCA;

- (49) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (50) 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;
- (51) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;

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

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

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

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

Carried.

## 3.

**KING STREET, NOS. 576 - 582, NEWTOWN (UNION HOTEL) – REAR EXTENSION TO PROVIDE RESTAURANT IN CONJUNCTION WITH EXISTING HOTEL – DEVELOPMENT APPLICATION (U02-00596)**

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Michael Stuart Architects Pty Ltd, with the authority of Melissa Wood Hiscox, K & E Wood, C & R Wright and Varanu Pty Ltd to construct a rear extension for additional bar seating, a restaurant and courtyard for use in conjunction with the existing hotel, 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 \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$900, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (3) That the development shall be generally in accordance with Council endorsed plans numbered 0136-09, 0136-10C and 0136-08E dated March 2002 subject to compliance with the conditions below;
  - (4) That the hours of operation shall be restricted to Mondays and Wednesdays 10.00am to 11.00pm; Thursdays to Saturdays 10.00am to 12.00 midnight; and Sundays 10.00am to 10.00pm;
  - (5) That the hotel and restaurant shall operate in accordance with the Plan of Management prepared by Michael Stuart Architects Pty Ltd held on file U02-00596, specifically in regard to noise minimisation measures;
  - (6) That all deliveries and garbage collection shall only occur between 8.00am and 6.00pm Monday to Friday;
  - (7) That the loading bay accessible from Union Street shall be maintained in conjunction with the proposed use;

- (8) That the proposed Union Street entrance accessing the garbage area shall only be used by staff and as patron emergency egress, and shall be signposted accordingly;
- (9) That existing doors on the ground floor of the hotel facing Union Street shall be closed (except for emergency egress) from 10pm each evening;
- (10) That no live entertainment shall be provided in the hotel or restaurant;
- (11) That signs shall be displayed in the hotel requiring patrons to depart in a manner that respects nearby residents;
- (12) That numbers on-site at any time shall be restricted to a maximum of 250 patrons;
- (13) That use of the proposed rear courtyard in the south-eastern corner of the site shall cease at 9pm, daily;
- (14) That the ground floor Iredale Street elevation three-pane window shall be non-openable;
- (15) That a minimum of one uniformed security guard shall be outside the premises after 9pm in order to control the behaviour of patrons as they arrive or depart from the hotel. Security shall patrol the area in and around the hotel to ensure that patrons do not loiter or carry out anti-social behaviour in the area. The surveillance shall be maintained for 30 minutes after closing time or until the last patron has left the area patrolled. The streets to be patrolled shall include King Street, Union Street, Iredale Street, Knight Street, Rochford Street, Dickson Street and Holmwood Streets for a radius of approximately 50m from the hotel;
- (16) That the external colour scheme of the new addition shall be in earthy tones compatible with the colour of the face brickwork of the existing building. Detail shall be submitted to Council's satisfaction prior to the release of the Construction Certificate;
- (17) That part of the original boundary wall along Union Street is a continuation of the façade of the existing hotel and is to be demolished. Bricks from the demolished wall are to be reused to form the return of the façade to the proposed garbage room door, the detailing of which is to match that of the rest of the corner of the building;
- (18) That 2 x pedestrian safety fences in accordance with Council's Streetscape Masterplan Technical Manual Section 4.7 matrix reference 7-1 'Standard Street Fencing to Roadways' shall be erected and maintained adjacent to pedestrian access points at the

intersection of King and Union Streets, in accordance with the following:

- (a) That the fence on the eastern footway of King Street shall extend along King Street, from north of the existing crossing (ie: opposite the southern wall of the bottle sales areas) to the northern boundary for a length of 11m;
  - (b) That the fence in (a) shall be duplicated on the western footway of King Street for a length of approximately 11m;
  - (c) That the fences shall be installed to allow a minimum clear distance of 600mm to the kerb on King Street, and ensure that access to all existing service access covers is maintained.
  - (d) That the applicant shall submit a drawing indicating the proposed location of the fencing for approval by the Director of City Works prior to construction.
  - (e) That the pedestrian safety fences shall be erected by the applicant within 3 months of operation pursuant to this consent to the satisfaction of the Director of City Works.
- (19) That the redundant kerb ramp north of the existing signalised crossing at King Street shall be removed;
- (20) That the redundant section of driveway crossing in Union Street east of the existing garage shall be retained;
- (21) That two new kerb ramps on the east and west sides of Iredale Street shall be provided to allow pedestrians to cross Iredale Street in an east-west direction along Union Street;
- (22) That tactile indicators, including tactile tiles/guidance strips, shall be installed at pedestrian kerb ramps on the east and west sides of the signalised crossing at King Street, and at kerb ramps on the north and south sides of Union Street and at the entrance foyer of the building, in accordance with figure 2.6 of Austroads Guide to Traffic Engineering Practice - Part 13 Pedestrians; and at the entrance to the property, in accordance with the following:
- (a) That all tactile indicators shall be designed and installed in accordance with Australian Standard AS 1428.4 Design for Access and Mobility Part 4: Tactile ground surface indicators for the orientation of people with vision impairment.
  - (b) That the tactile indicators shall be installed by the applicant within 3 months of operation pursuant to this consent to the satisfaction of the Director of City Works.

- (23) That the applicant shall provide Council with engineering design details for the full footway reconstruction of the property's three street frontages within 3 months of the date of this consent. Extent of works and details shall be approved by the Director of City Works (DCW) and all works completed prior to Occupation under the supervision of the DCW or his representative;
- (24) That the applicant prepare a 'transport access guide' generally in accordance with SEDA's *Producing and Using Transport Access Guides* including a map, clearly indicating how to get to the site using alternative means of transport including distances/times to St Peters and Newtown train stations, bus routes and times, bus stop locations and nearest taxi ranks. This guide shall be prepared to the satisfaction of the Director of City Environment within 6 weeks of operation pursuant to this consent;
- (25) That all documentation relating to promotion of, or activities of the hotel recommend alternative forms of travel, shall include a copy of the transport access guide and state that parking is not available at the site;
- (26) That the applicant shall place a copy/copies of the transport access map in a prominent position at the building, most likely on the wall outside the foyer on King Street;
- (27) That if a new hot water heating system is required with the works it shall have a minimum 3.5 star rating. Details to be provided with the construction certificate;
- (28) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (29) 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 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 20dB(A) when assessed to any sensitive noise receiver.
- (ii) 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;

- (30) The construction, fitout and finishes of the premises shall comply with the Food Act 1989 and Regulations thereunder and the National Code for the Construction and Fitout of Food Premises;
- (31) 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;
- (32) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (33) That the use of the premises shall not give rise to:
  - (a) Transmission of 'offensive noise' to any place of different occupancy, and,
  - (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and,
  - (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy;
- (34) That noise from patrons and amplified music emitted from the licensed premises shall comply with the following criteria:
  - (a) The L10 noise level emitted from the licensed premises shall not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
  - (b) The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave

Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

- (c) Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours 12.00 midnight to 7.00am;
- (35) 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;
- (36) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
- (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
  - (b) the coolroom: STANDARD REQUIREMENT - National Code for the Construction and Fitout of Food Premises & the Food Act 1989 and Regulations thereunder;
  - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all food preparation and storage areas: STANDARD REQUIREMENT - National Code for the Construction and Fitout of Food Premises & the Food Act 1989 and Regulations thereunder;
- (37) That all relevant sections of the BCA shall be complied with;
- (38) 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;
- (39) 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;

- (40) 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;
- (41) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (42) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (43) That the requirements of the Work Cover Authority shall be complied with;
- (44) 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;
- (45) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (46) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (47) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (48) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (49) That the demolition work shall comply with Australian Standard 2601-1991;
- (50) That if the soil conditions require it:
  - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
  - (b) adequate provision must be made for drainage;
- (51) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a

building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an approved manner, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished

Note: The owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land and in this condition, allotment of land includes a public road and any other public place;

- (52) 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 all glazed assemblies shall comply with clause B1.3(h) of the BCA;
  - (c) That where a structural member is subject to attack by subterranean termites provision shall be made for protection in accordance with B1.3 of the BCA;
  - (d) That the proposed work shall be constructed in Type (B) construction in accordance with the requirements of specification C1.1-(4) of the BCA;
  - (e) That ramps serving as required exits shall have a non-slip finish to the floor surface of the ramp and a suitable gradient not steeper than that permitted by D2.10 of the BCA;
  - (f) That storage cupboards under required non-fire isolated stairs (including external stairs) shall have their walls and ceilings constructed from materials having a fire resistance level of not less than 60/60/60 and any access doorway to the cupboard shall be fitted with a self-closing -/60/30 fire door in accordance with D2.8(b) of the BCA;

- (g) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
  - (h) That exit doors shall be altered so as to open in the direction of travel and shall be recessed so as not to open over the footway and shall be readily openable without the use of keys at all times during occupancy;
  - (i) That a refrigerated or cooling chamber which is of sufficient size to permit the entry of a person shall be provided with:-
    - (a) a door which can at all times be opened from inside without a key;
    - (b) an approved alarm device located outside but controllable only from within the chamber;
- The door referred to in paragraph (a) shall be set in an opening with a clear width of not less than 600mm and a clear height of not less than 1.5 metres in accordance with G1.3 of the BCA;
- (j) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
  - (k) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
  - (l) That during the course of construction, hydrants, as well as fire hose reels and portable fire extinguishers, shall be provided in accordance with the requirements of E1.9 of the BCA;
  - (m) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
  - (n) 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;
  - (o) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
  - (p) 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;

- (q) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the 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 areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
- (t) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of F1.4 of the BCA;
- (u) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (v) That the main electrical switchboard and all electrical sub-boards shall be fully enclosed in construction having a minimum fire resistance level of 60/60/60;
- (w) That the stairway shall be smoke enclosed in construction using one or more of the following and shall be provided with direct discharge to a road or open space leading to a road:-
  - (a) non-combustible, non-shattering materials, or
  - (b) toughened glass with a minimum thickness of 10mm or wired glass with a minimum thickness of 6mm in steel frames with a maximum pane size of 1.0m<sup>2</sup>, or 3.0m<sup>2</sup> in a sprinklered building;
  - (c) ceilings within the enclosure shall be constructed of non-combustible material, appropriately fixed to a suitable non-combustible structure;
  - (d) doors opening into the enclosure shall be smoke doors;
  - (e) all other openings (eg transoms, grills, etc.) shall be protected by non-combustible material.
- (x) Smoke hazard management shall comply fully with the requirements of Part E.2.2 of the BCA;
- (y) Access and facilities for people with disabilities shall comply fully with the requirements of Parts D3 and F.2.4 of the BCA respectively;
- (z) That doorways separating the ground floor from the residential entrance shall be protected by self closing -/60/30 fire doors;

- (aa) That the residential stairway shall be separated from the ground floor of the premises by construction having a minimum fire resistance level of 60/60/60;
- (bb) That required exits shall be identified and comply fully with the requirements of Clause D.1.6. of the BCA

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

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

**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 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:**

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 temporary. Under the Act there is an onus of responsibility on both individual and occupiers of premises to refrain from and prevent smoking within defined smoke-free areas. (Some exemptions do apply).

**NOTE 3:**

Prior to the commencement of food handling operations, the food business must notify the NSW Health Department of the following information including:

- ? contact details for the food business including the name of the food business and the name and address of the proprietor of the business;
- ? the nature of the food business; and

- ? the location of all food premises of the food business within the jurisdiction of NSW Health.

You may notify the NSW Health Department via the Internet on [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or hard copy using the attached notification.

**Failure to notify the NSW Health Department may result in a penalty not exceeding \$2,750.**

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

(DCE Report 16.10.02)

At the request of Councillor Lay, and by consent, the motion be amended by the addition of a clause (53) to the recommendation, namely:-

- (53) That the proposed folding doors between the restaurant and courtyard shall be deleted and replaced with non-openable full-length windows with acoustic seals to all edges and shall be of selected tinted glass. One door shall be provided for access to the courtyard and this shall be fitted with a self closing device;

Motion, as amended by consent, carried.

4.

**AMY STREET, NO. 4, ERSKINEVILLE – DEMOLISH PART OF THE FRONT OF THE EXISTING DWELLING TO PROVIDE A CAR SPACE WITH GATE FRONTING AMY STREET – DEVELOPMENT APPLICATION (U01-01193)**

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application for No. 4 Amy Street, Erskineville submitted by Robert Elliott, with the authority of Kate Cheney, to demolish part of the front of the existing dwelling and erect a carport with roller door fronting Amy Street, for the following reasons, namely:-
- (1) That the proposal is contrary to Clause 12 objective 1(c) of LEP 1998 in relation to building form and character of the surrounding built environment;
  - (2) That the proposal is contrary to Clause 22 – Heritage Aims objectives (e) and (f) of LEP 1998 in relation to development being sympathetic with the character of the area;
  - (3) That the proposal is contrary to the objectives of Sections 4.1.3 and 4.1.7 of DCP 1998 – Heritage Conservation in relation to site

massing, alterations to a contributory building and disruption of the prominent front building line;

- (4) That the proposal is contrary to Section 4.6.1 of DCP 11 – Transport Guidelines for Development 1996 which does not permit open hard stand parking areas in front of dwellings in Conservation Areas.
  - (5) That the proposal is contrary to the Performance Criteria and Controls of Part F Section 1.1.3 of DCP 1997 – Urban Design in relation to streetscape and loss of on-street parking capacity;
  - (6) That the proposal is not in the public interest, as it would set an undesirable precedent for off street parking within Heritage Conservation Areas.
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

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

**5.**

**BOURKE STREET, NO. 261, DARLINGHURST – ALTERATIONS AND ADDITIONS TO ATTACHED THREE STOREY TERRACE HOUSE, INCLUDING ATTIC ADDITION, BALCONY OVER THE FOOTPATH ON THE FRONT ELEVATION AND REAR BALCONIES AND ROOF TERRACE – DEVELOPMENT APPLICATION (U02-00809)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (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 Andrew Schultz with the authority of Lance Scott and Ruth Cowen, for alterations and additions to an attached terrace house at No. 261 Bourke Street, Darlinghurst, subject to the following conditions, Namely:-
- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within six months of the date of this deferred commencement consent and shall be approved in writing by the Director of City Environment prior to lodging an application for a construction certificate:

- (a) That the Level 2 roof terrace shall be reduced in area to depth of 1.5m with appropriate privacy screening details of which shall be submitted to Council's satisfaction;
  - (b) The proposed rear attic level balcony is to be deleted as it projects beyond the rear building line of the terrace. Instead, a safety railing is to be installed outside the proposed rear attic level doors.
  - (c) Details complying with the requirements of Conditions 5-20, inclusive, of this consent;
- (2) That the development shall be generally in accordance with plans numbered A101, A-300, A-301 and A-400, dated May 2002 and drawn by Andrew Schultz Architecture and Interiors subject to compliance with the conditions below;
  - (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (4) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$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 two centre doors at the upper level of the dwelling shall be the only ones openable at this level;
  - (6) The applicant will place a positive covenant on the title of the land to control the maintenance and insurance of the balcony encroachment over Bourke Street. The covenant shall be to the satisfaction of the Director of City Environment, with draft terms being available from Council's One Stop Shop.
  - (7) The basement windows to the terrace are to be retained and not replaced with opaque glazing as proposed.
  - (8) That the first floor front cantilevered balconies shall be reinstated to their original form and shall be timber framed and have cast iron balustrades matching the remnant panels of cast iron currently

installed in front of the existing first floor French doors, reflecting the traditional patterns, colour and details.

- (9) The balustrade panels are to extend right across the balcony without intermediate timber posts. Brackets below the floor of the cantilevered balconies are to be either timber, to match those on the cantilevered balconies of Nos. 255, 251 and 249 Bourke Street, or cast iron to match those on the cantilevered balcony of No.257 Bourke Street.
- (10) The roof of the cantilevered balconies is to be corrugated metal in a skillion or double curved or concave curved profile.
- (11) The roofing of the proposed dormer is to match that of the main roof form. The dormer window is to be vertically proportioned in the ratio of 1.5:1, is to be traditionally detailed and sympathetic to the style of the existing terrace. The maximum internal width of the front dormers is to be 1,000mm.
- (12) The window to the proposed dormer shall match the scale, style and proportions of the existing windows at the ground floor of the building.
- (13) The eave and gable overhang of the dormers is limited to a maximum of 100mm.
- (14) There shall be no finials or decorative bargeboards on the dormers.
- (15) There shall be no windows or skylights to the side walls of the dormer.
- (16) The roofing of the proposed rear dormers are to match that of the main roof form.
- (17) The rear dormer is to be set in a minimum of 500mm from the southern side wall, 200mm below the ridge line and a minimum of 200mm from the rear wall. The roof of the rear dormer is to be a skillion or single pitch roof.
- (18) The exterior paintwork and roofing materials are to be in colours appropriate to the Victorian style of the building. In this respect, it is recommended that reference be made to the book "Colour Schemes for Old Australian Houses" by Evans, Clive Lucas and Ian Stapleton".
- (19) The external brickwork to the facade may be cement rendered, provided that documentation is provided to Council evidencing that the facade was originally rendered".
- (20) Details of the water feature, including likely noise emissions, materials and use of recycled water, shall be submitted to Council.

- (21) That in respect of glazing and the rear facade, the index of external finishes, including windows and doors, painted surfaces, walls or roof treatment of the proposed development, is to be no greater than 20.
- (22) 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;
- (23) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
- all required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (24) 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;
- (25) 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 Works Zone;
- (26) 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;
- (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);
- (28) That the applicant shall submit a plan to the Certifying Authority to indicate extent of landscape areas on slab / planter boxes and provide details that include a cellular drainage system, water proofing, tanking and flushing tubes in accordance with Council's Landscape Code. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass;
- (29) 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 Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of Public Works and Services;

- (30) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (31) That the requirements of the Work Cover Authority shall be complied with;
- (32) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;
- (33) 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 crossings and the like;
- (34) That all relevant sections of the BCA shall be complied with;
- (35) 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;
- (36) 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;
- (37) 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;
- (38) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;
- (39) That evidence of cross easement of support for the new party wall/extension of party wall shall be submitted with the application for construction certificate or alternatively the new work including footing shall be constructed within the boundaries of the allotment;
- (40) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (41) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant

Australian Standards and design codes shall be submitted prior to commencement of work;

- (42) That the requirements of the Work Cover Authority shall be complied with;
- (43) 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;
- (44) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (45) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (46) 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 external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
  - (b) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA and complying with AS 3786;
  - (c) That where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with part 3.1.3 of the BCA;
  - (d) That all glazing materials shall comply with Part 3.6 of the BCA;
  - (e) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
  - (f) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;

- (g) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
  - (h) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
  - (i) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
  - (j) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
  - (k) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation complying with requirements of 3.8.5 of the BCA;
  - (l) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision

(DCE Report 23.10.02)

Carried

6.

**BOURKE STREET, NO. 263, DARLINGHURST – ALTERATIONS AND ADDITIONS TO ATTACHED THREE STOREY TERRACE HOUSE, INCLUDING ATTIC ADDITION, BALCONY OVER THE FOOTPATH ON THE FRONT ELEVATION AND REAR BALCONIES AND ROOF TERRACE – DEVELOPMENT APPLICATION (U02-00808)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (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 Andrew Schultz with the authority of Starboard Yeung, for alterations and additions to an attached terrace house at No. 263 Bourke Street, Darlinghurst, 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

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within six months of the date of this deferred commencement consent and shall be approved in writing by the Director of City Environment prior to lodging an application for a construction certificate:

- (a) That the Level 2 roof terrace shall be reduced in area to a maximum depth of 1.5m, with appropriate privacy screening details of which shall be submitted to Council's satisfaction;
  - (b) The proposed rear attic level balcony is to be deleted as it projects beyond the rear building line of the terrace. Instead, a safety railing is to be installed outside the proposed rear attic level doors.
  - (c) Details complying with the requirements of Conditions 5-21, inclusive, of this consent.
- (2) That the development shall be generally in accordance with plans numbered A101, A-300, A-301 and A-400, dated May 2002 and drawn by Andrew Schultz Architecture and Interiors;
  - (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (4) That prior to issuing 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 \$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 two centre doors at the upper level of the dwelling shall be the only ones openable at this level;
  - (6) The applicant will place a positive covenant on the title of the land to control the maintenance and insurance of the balcony encroachment over Bourke Street. The covenant shall be to the satisfaction of the Director of City Environment, with draft terms being available from Council's One Stop Shop;
  - (7) The basement windows to the terrace are to be retained and not replaced with opaque glazing as proposed;

- (8) The front window to No.263 Bourke Street is to be replaced with a 12-paned timber framed double hung window to match that of No.261 Bourke Street;
- (9) That the first floor front cantilevered balconies shall be reinstated to their original form and shall be timber framed and have cast iron balustrades matching the remnant panels of cast iron currently installed in front of the existing first floor French doors, reflecting the traditional patterns, colour and details;
- (10) The balustrade panels are to extend right across the balcony without intermediate timber posts. Brackets below the floor of the cantilevered balconies are to be either timber, to match those on the cantilevered balconies of Nos. 255, 251 and 249 Bourke Street, or cast iron to match those on the cantilevered balcony of No.257 Bourke Street;
- (11) The roof of the cantilevered balconies is to be corrugated metal in a skillion or double curved or concave curved profile;
- (12) The roofing of the proposed dormer is to match that of the main roof form. The dormer window is to be vertically proportioned in the ratio of 1.5:1, is to be traditionally detailed and sympathetic to the style of the existing terrace. The maximum internal width of the front dormers is to be 1,000mm;
- (13) The window to the proposed dormer shall match the scale, style and proportions of the existing windows at the ground floor of the building;
- (14) The eave and gable overhang of the dormers is limited to a maximum of 100mm;
- (15) There shall be no finials or decorative bargeboards on the dormers;
- (16) There shall be no windows or skylights to the side walls of the dormer;
- (17) The roofing of the proposed rear dormers are to match that of the main roof form;
- (18) The rear dormer is to be set in a minimum of 500mm from the northern side wall, 200mm below the ridge line and a minimum of 200mm from the rear wall. The roof of the rear dormer is to be a skillion or single pitch roof;
- (19) The exterior paintwork and roofing materials are to be in colours appropriate to the Victorian style of the building. In this respect, it is recommended that reference be made to the book "Colour Schemes for Old Australian Houses" by Evans, Clive Lucas and Ian Stapleton";

- (20) The external brickwork to the facade may be cement rendered, provided that documentation is provided to Council evidencing that the facade was originally rendered”;
- (21) Details of the water feature, including likely noise emissions, materials and use of recycled water, shall be submitted to Council;
- (22) 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;
- (23) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:  
  
all required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (24) 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;
- (25) 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 Works Zone;
- (26) 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;
- (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);
- (28) That the applicant shall submit a plan to the Certifying Authority to indicate extent of landscape areas on slab / planter boxes and provide details that include a cellular drainage system, water proofing, tanking and flushing tubes in accordance with Council’s Landscape Code. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass;
- (29) 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 Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or

adjacent to the hoarding without the approval of by the Director of Public Works and Services;

- (30) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (31) That the requirements of the Work Cover Authority shall be complied with;
- (32) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;
- (33) 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 crossings and the like;
- (34) That all relevant sections of the BCA shall be complied with;
- (35) 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;
- (36) 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;
- (37) 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;
- (38) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;
- (39) That evidence of cross easement of support for the new party wall/extension of party wall shall be submitted with the application for construction certificate or alternatively the new work including footing shall be constructed within the boundaries of the allotment;
- (40) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;

- (41) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (42) That the requirements of the Work Cover Authority shall be complied with;
- (43) 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;
- (44) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (45) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (46) 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 external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
  - (b) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA and complying with AS 3786;
  - (c) That where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with part 3.1.3 of the BCA;
  - (d) That all glazing materials shall comply with Part 3.6 of the BCA;
  - (e) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
  - (f) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and

the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;

- (g) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (h) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (i) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (j) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (k) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation complying with requirements of 3.8.5 of the BCA;
- (l) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;

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

(DCE Report 23.10.02)

Carried.

7.

**BOURKE STREET, NOS. 266 – 286, DARLINGHURST – CHANGE OF USE TO A CONVENIENCE STORE – DEVELOPMENT APPLICATION (U02-00919)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Shaw:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by John Tauszik, with the authority of John and Angie Tauszik to change the use of the ground floor from a restaurant to a convenience store, internal shop fit out and new entry doors, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the plans numbered 1A-1 and dated 10 August 2002, as stamped and endorsed by Council, subject to compliance with the following conditions;
  - (2) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$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 premises shall only operate between 7.00am to 10.00pm seven days per week;
  - (4) That the convenience store shall be operated in accordance with the plan of management at all times;
  - (5) That the existing first floor flush wall sign shall be removed;
  - (6) That the proposed diffuse lighting on the signage shall be deleted from the proposal;
  - (7) That no fluorescent lighting shall be used on the premises;
  - (8) That any lighting on the site shall be designed to ensure no adverse impact on amenity of the surrounding area by light overspill. Lighting

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shall comply with AS 4282-1997 – Control of the Obtrusive Effects of Outdoor Lighting;

- (9) That the intensity, colour and period of intermittency and/or hours of illumination of the premises and / or associated signage shall be varied if at any time in the opinion of Council, injury is being caused to the amenity of the area;
- (10) That the external lighting shall not be flashing;
- (11) 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:
- (12) That where a structural member is subject to attack by subterranean termites provision shall be made for protection in accordance with B1.3 of the BCA;
- (13) That the proposed work shall be constructed in Type b construction in accordance with the requirements of specification C1.1-4 of the BCA;
  - (a) That all glazed assemblies shall comply with clause B1.3(h) of the BCA;
  - (b) That new stairways 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 and D2.17 of the BCA respectively;
  - (c) 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;
  - (d) That unobstructed access shall be provided and maintained at all exits at all times from tenancies and from public areas;
  - (e) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
  - (f) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;

- (g) 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;
  - (h) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
  - (i) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
  - (j) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
  - (k) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
  - (l) That floor wastes are to be provided to the floors for each bathroom and laundry in accordance with the requirements of Part F1.11 of the BCA;
  - (m) That this door to a fully enclosed sanitary compartment shall comply with the requirements of clause F2.5 of the BCA;
  - (n) That the underside of the stairs and the ceiling over the proposed shop area shall be constructed of materials having resistance to the incipient spread of fire of one hour to the floor above;
  - (o) That the wall between the proposed shop area and the corridor leading to the upper floor shall have a fire resistance rating of at least one hour to comply with the requirements of specification C1.1 of the BCA ;
- (14) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (15) That the building work must not be commenced until the person having the benefit of the development consent:
- (i) has appointed a Principal Certifying Authority and
  - (ii) has notified the Council of the appointment;
- (16) 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;

- (17) 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;
- (18) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (19) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (20) 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;
- (21) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (22) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (23) 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);
- (24) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (25) That the mechanical exhaust ventilation system to the toilets must exhaust at least 10 l/s per square metre of floor area of each sanitary compartment but not less than 25 l/s from each sanitary fixture and at least 5 l/s per square metre of floor area from each privacy lock. Each 0.6m length of urinal or part thereof shall be equivalent to one fixture;
- (26) That an airlock shall be provided to the toilets in accordance with the provisions of the Building Code of Australia;

- (27) The construction, fitout and finishes of the premises shall comply with the Food Act 1989 and Regulations thereunder and the National Code for the Construction and Fitout of Food Premises;
- (28) 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;
- (29) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (30) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (31) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
  - (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
  - (b) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes of commercial food premises: STANDARD REQUIREMENT - National Code for the Construction and Fitout of Food Premises & the Food Act 1989 and Regulations thereunder;
- (32) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operation Act, 1997;
- (33) That the sanitary compartment be prohibited from opening directly onto the convenience store and be in accordance with Part F 4.9 of the Building Code of Australia;

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 and Assessment Act, 1979, for breach of a condition, or Protection of the Environmental 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 ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

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

(DCE Report 2.10.02)

Carried.

(Councillor Mallard requested that his name be recorded as voting against the foregoing motion.)

8.

**STREETS – FLINDERS STREET, DARLINGHURST – TAYLOR SQUARE HOTEL – EXTENSION OF EXISTING FOOTWAY LICENCE AREA (2023644)**

That approval be given for the extension of the existing footway licence adjacent to the Taylor Square Hotel during the Gay Games between the period of 25 October 2002 to 11 November 2002 from 12 noon to 12 midnight, 7 days a week, with Road Occupation Fees being charged.

(DCW Report 4/10/02)

Carried.

9.

**REGENT STREET, NO. 143, CHIPPENDALE – DEMOLITION OF ROOF TO REAR GROUND FLOOR GARAGE AND ERECT 2 STOREY SINGLE RESIDENCE ABOVE – DEVELOPMENT APPLICATION (U00-01305)**

That matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That 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 Architectural Solutions, with the authority of R Collins, to demolish roof to rear ground floor garage and erect 2 storey single residence above, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 3 months of the date of this deferred commencement consent and shall be approved in writing by the Director of City Environment prior to lodging an application for a Construction Certificate:
  - (a) That an amended ground and first floor plan shall be submitted showing a separation between the office area and the access to the new residence;
  - (b) That the proposed rear staircase shall be deleted from the plans and replaced with a set of internal stairs accessed from the garage, directly under the proposed first floor stairs;
  - (c) That a 1.8m high privacy screen shall be erected on the southern side of the proposed first floor deck for the full length of the deck along the boundary and shall be constructed of frosted glass blocks;
- (2) That the parking spaces in the garage be allocated on the basis of one space for the residential occupiers and one space for the existing office use at the premises;
- (3) That a NatHERS energy rating assessment be carried out for the proposed residential apartment. The rating must achieve a minimum rating of 3.5 stars in accordance with the rating scheme. Details to be submitted with the application for a Construction Certificate;
- (4) That a new hot water heating system is required with a minimum 3.5 star energy rating. Details to be submitted with the application for a Construction Certificate;
- (5) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (6) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$240, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (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 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space: LGA Works Programme	\$ 467
Open Space: New Parks	\$2122
Accessibility And Transport Management	\$ 14
	\$ 34
Total	\$2636

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

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

where:

C is the original contribution amount as shown above;  
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and  
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being June Quarter 2002.

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.

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

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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.

Copies of the Section 94 Contributions plan may be inspected at Council's offices presently located at 280 Elizabeth Street, Surry Hills;

- (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
Multi-Function Administration Centre	\$697

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 being the June Quarter 2002.

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.

Copies of the Section 94 Contributions plan may be inspected at Council's offices presently located at 280 Elizabeth Street, Surry Hills;

- (8) That the development shall be generally in accordance with plans numbered DA – 01B, dated 3 July, 2002, drawn by D Prowse, stamped and endorsed by Council subject to compliance with the conditions below;

- (9) That a privacy screen to a height of 1.8 metres shall be placed on the southern edge of the deck and the southern edge of the rear access staircase, as shown on the approved plans, and shall be maintained for the life of the building;
- (10) That the front dormer window shall be redesigned to have a timber double hung window and have vertical proportions of 1.5:1 in accordance with Clause 1.4.1 – Attics of DCP 1997;
- (11) 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. Attention is directed to the proposed new openings;
  - (b) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA. Attention is directed to the construction of the external walls;
  - (c) That the ceilings immediately below the roof shall be constructed of materials having resistance to the incipient spread of fire to the roof space of one hour;
  - (d) That the openings in the external walls closer than 900mm from a side boundary shall be protected by non-openable fire windows or other construction with an FRL of not less than -/60/- or self-closing solid core doors not less than 35mm thick, in accordance with Part 3.7.1.5(b) of the BCA;
  - (e) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
  - (f) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
  - (g) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
  - (h) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;

- (i) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
  - (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 clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 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 minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
  - (n) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation complying with requirements of 3.8.5 of the BCA;
  - (o) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of F1.4 of the BCA;
  - (p) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
  - (q) That the residential unit shall be separated from any other part of the building by construction having a fire resistance level of not less than 60/60/60;
  - (r) That natural light and ventilation shall be provided in accordance with requirements of Part F4 of the BCA;
- (12) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (13) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (14) That approval for the connection of the stormwater shall be obtained from Council's Public Works and Services Department prior to the work being carried out;

- (15) 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;
- (16) 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;
- (17) That a building or part of a building shall not be occupied until an occupation certificate has been issued in respect of the building or part;
- (18) That all relevant sections of the BCA shall be complied with;
- (19) That the requirements of the Work Cover Authority shall be complied with;
- (20) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays;
- (21) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (22) That all proposed work shall be wholly within the boundaries of the site;
- (23) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (24) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (25) That all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (26) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;

- (27) That the demolition work shall comply with Australian Standard 2601-1991;
- (28) That if the soil conditions require it:
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
  - (b) adequate provision must be made for drainage;
- (29) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
  - (b) if necessary, must underpin and support the building in an approved manner, and
  - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished

(Note) The owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land and in this condition, allotment of land includes a public road and any other public place;

- (30) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (31) That where a structural member is subject to attack by subterranean termites provision shall be made for protection in accordance with B1.3 of the BCA;
- (32) 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;
- (33) That should the applicant wish to utilize 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-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;

- (34) 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 Works Zone;
  - (35) 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 crossings and the like;
  - (36) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; 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;
  - (37) 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;
  - (38) 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);
  - (39) That a 1m wide blade wall shall be erected on the southern side of the second floor windows in the west elevation, and shall extend the full height of the windows;
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

(DCE Report 23.10.02)

Carried.

**10.**

**BOTANY ROAD, NO. 342, BEACONSFIELD – USE FOR RETAIL SALES OF ADULT PRODUCTS – DEVELOPMENT APPLICATION (U02-00401)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Mr C Bletsas, with the authority of Ploumou Pty Ltd, to use part of the premises for the retailing of adult products in conjunction with the approved adult products warehouse, subject to the following conditions, namely:-
- (1) That the use shall cease after a period of 2 years from the date of this consent. A further development application for the continuation of the use may be lodged for Council's consideration prior to the expiration of this consent;
  - (2) That the development shall be generally in accordance with plans numbered 1 and 2 and photos 1 and 2 submitted to Council on 19 April 2002, subject to compliance with the conditions below;
  - (3) That the premises shall not provide any booths or designated areas for casual sex (as defined as sex on premises venues in the Sex Industry Policy);
  - (4) That the premises shall not operate as a sex on premises venue as defined in the sex industry policy unless a separate application is submitted and approved for such use;
  - (5) That the premises exterior walls shall be repainted in a paint finish which is not a prominent feature in the streetscape (i.e the paint shall not be fluorescent or excessively bright) such colour shall be beige, cream or light grey;
  - (6) That the premises shall not advertise, exhibit or display any products associated with sexual behaviour so that they can be seen outside the premises by a member of the public, as required by Section 578E of the NSW Crimes Act 1900;
  - (7) That the operation of the premises must comply with the Plan of Management attached to the Statement of Environmental Effects dated 16 April 2002 at all times. Council shall be advised in writing, and shall give its consent to any modification of the Plan of Management including changes to the Management of the premises;
  - (8) That the premises signage shall comply with Council's Sex Industry Policy and any new signage shall be subject to a development application;
  - (9) That at no time shall any signs, amplification equipment, goods or the like be placed on public areas or the footpath adjacent or near the premises;
  - (10) That the premises shall provide regular access to, and facilities for sexual health services to display and deliver outreach and health educational information and workshops;

- (11) That no person employed by the premises being spruikers, concierges, managers, receptionists, security guards, door person, sex worker, bouncers, valet or any other staff, be allowed at any entrance or any area outside the premises at any time;
- (12) That the hours of operation shall be restricted to between 9am – 8pm Monday to Saturday, 10am – 8pm Sunday;
- (13) That the screen wall between the parking/loading area and the warehouse/showroom shall be retained;
- (14) That the screen walls adjacent to the entry shown on the submitted plans shall be maintained at all times;
- (15) That no goods and/or rubbish shall be stored in the parking/loading area nor outside the building;
- (16) 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 all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
  - (f) That exit travel distances shall comply fully with the requirements of Part D.1.4 of the BCA. In this regard at least two doors shall be available as required exists;
- (17) That all relevant sections of the BCA shall be complied with;

- (18) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (19) 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;
- (20) That the premises shall not be visited by bargain shoppers buses, buskers or the like at any time.

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

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

- (B) That the applicant be advised that Council cannot grant development consent for the erection of the screen wall inside the entry door as such work has been carried out without Council consent. Council would not require these works to be demolished subject to complying with the conditions of the development consent detailed above in particular conditions (5), (16), and (18).
- (C) That the person who made representations in respect of the proposal be advised of Council's decision.

(DCE Report 17.9.02)

Carried.

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

11.

**CROWN STREET, NO. 154, DARLINGHURST – ALTERATIONS TO DWELLING AT ATTIC LEVEL INVOLVING INSTALLATION OF REAR DORMER WINDOW AND DECK FACING ONTO CROWN STREET – DEVELOPMENT APPLICATION (U02-00483)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by

**GENERAL MANAGER**

Architectural Solutions, with the authority of J Whittington and J Samaha, to alter the roof of an existing dwelling to form a rear dormer window and front deck, 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 \$495 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing the 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 \$60, 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 drawings no. DA 01 issue A, DA 02 issue B, DA 03 issue A, subject to compliance with the conditions below;
- (4) That the originally proposed rear deck is deleted and not approved and that the rear dormer window be setback 500mm from the side boundaries and 200mm below the ridgeline;
- (5) That the front deck be reduced in width by 600mm on each of the side boundaries and that the landscape planter boxes shall be located within both the setback areas;
- (6) That the balustrade of the front deck shall be a minimum distance of 600mm back from the parapet wall in order to protect the privacy of the adjacent premises at 156 Crown Street is not impacted on;
- (7) 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 Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of Public Works and Services;
- (8) 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;
- (9) That should the applicant wish to utilize 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-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;

- (10) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (11) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; 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;
- (12) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge;
- (13) 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);
- (14) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (15) That a certificate shall be submitted from a licensed builder or architect confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
- (16) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;
- (17) 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 walls 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 entrance doorways to all residential sole occupancy units at each floor level shall be protected by self-closing or automatic closing tight fitting solid core doors not less than 35mm in thickness in accordance with the requirements of C3.11 of the BCA;
- (c) That the solid core doors to all sole occupancy units shall be fitted with smoke seals.
- (d) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (e) That the stairway shall be smoke enclosed in construction using one or more of the following and shall be provided with direct discharge to a road or open space leading to a road:
  - (i) non-combustible, non-shattering materials, or
  - (ii) toughened glass with a minimum thickness of 10mm or wired glass with a minimum thickness of 6mm in steel frames with a maximum pane size of 1.0m<sup>2</sup>, or 3.0m<sup>2</sup> in a sprinklered building;
  - (iii) ceilings within the enclosure shall be constructed of non-combustible material, appropriately fixed to a suitable non-combustible structure;
  - (iv) doors opening into the enclosure shall be smoke doors;
  - (v) all other openings (eg transoms, grills, etc.) shall be protected by non-combustible material.
- (f) That all glazed assemblies shall comply with clause B1.3(h) of the BCA;
- (g) 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;
- (h) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (i) 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;

- (j) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (k) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (l) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (m) That sanitary and clothes washing facilities shall be provided in accordance with the requirements of F2.3 of the BCA;
- (n) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (o) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (p) That the main electrical switchboard and all electrical sub-boards shall be enclosed by non-combustible construction or a fire protective covering
- (q) That transoms above all doors in egress routes shall be sealed with a material having a fire resistance level not less than the surrounding wall;
- (r) That the printing studio shall be separated from the other parts of the building with walls with an FRL of 60/60/60, and provided with a -/60/30 fire door;
- (s) That the printing studio shall be provided with a ceiling with a resistance to the incipient spread of fire of not less than 60 minutes;
- (t) That the proposed rooflights shall be non-combustible and fixed in position.
- (u) That an automatic sprinkler installation complying with the relevant requirements of AS2118 shall be installed throughout the building.

The system shall comply with a standard of Installation and Maintenance in accordance with the requirements of Australian Standard 2118 and be connected to the NSW Fire Brigade.

Certification shall be provided by the installer of the sprinkler system that the entire system is installed in accordance with the provisions of Australian Standard 2118;

and the following standard conditions:

- (18) Survey certificate at completion<sup>9002</sup>
- (19) Walls not to be built as party walls unless consent obtained<sup>9108</sup>
- (20) Cross easement of support<sup>9113</sup>
- (21) Stormwater details<sup>9003</sup>
- (22) Structural Design Certificate<sup>9006</sup>
- (23) Construction hours<sup>9151</sup>
- (24) Construction Certificate required<sup>9155</sup>
- (25) Building/demolition noise control<sup>9156</sup>
- (26) Maintain existing building in a stable condition<sup>9157</sup>
- (27) Works to be within allotment boundaries<sup>9158</sup>
- (28) Guarding of excavations<sup>9160</sup>
- (29) Demolition to comply with Australian standard<sup>9161</sup>
- (30) Good housekeeping<sup>9851</sup>
- (31) Egress paths to be kept clear<sup>9852</sup>
- (32) Certification of electrical installation<sup>9853</sup>
- (33) Inspection of gas installation<sup>9854</sup>

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

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

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

(DCE Report 11.09.02)

Carried.

12.

**BEACONSFIELD STREET, NOS. 30 – 32, ALEXANDRIA – TO CONTINUE USE OF UNIT 7 AS MECHANICAL WORKSHOP AND TAXI BASE – DEVELOPMENT APPLICATION (U02-00711)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Furness:-

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Smuggs Pty Ltd, with the authority of Angus Property and Development Pty Ltd and Owners Corporation of Strata Plan 62799, to use unit 7 as a taxi base and mechanical workshop, for the following reasons, namely:-
- (1) That the early morning taxi changeover and its traffic generation are incompatible with the increasingly residential nature of the surrounding area in particular Beaconsfield and Queen Streets;
  - (2) That the proposal is inconsistent with objective (c) of the Industrial 4 zone under LEP 1998 in that the proposal would detract from the amenity of residents in neighbouring localities due to the traffic and noise impacts of the early morning changeover;
  - (3) That the granting of consent would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

(DCE Report 26.09.02)

Carried.

13.

**BEACONSFIELD STREET, NO. 19, BEACONSFIELD – DEMOLITION OF A COTTAGE AND ERECTION OF THREE DWELLINGS – DEVELOPMENT APPLICATION (U02-00093)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Shaw:-

That the matter be deferred to enable the appropriate conditions of refusal to be drafted.

Carried.

14.

**ELIZABETH STREET, NO. 878, ZETLAND – ALTERATIONS AND ADDITIONS TO A DWELLING, ERECTION OF A NEW DWELLING AND SUBDIVISION INTO 2 LOTS – DEVELOPMENT APPLICATION (U02-00527)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council as the responsible authority pursuant to Section 80 (3) of the Environmental Planning and Assessment Act, grants deferred commencement approval to the application submitted by J T Arnold (Owner) for permission to alter and extend the ground floor of the existing 2 storey terrace house, construct an attic conversion with front and rear dormer windows, erect a new 2 storey dwelling house at the rear of the site and to subdivide the site into 2 Torrens Title lots, subject to the following conditions, namely:-
- (1) That the consent shall not become operative until amended plans and details have been submitted to show compliance with the following requirements, to the satisfaction of the Director of City Environment:
- (a) The redesign of the new rear dwelling to incorporate a garage with an opening of McPherson Lane of minimum dimensions of 3m wide x 2.2m headroom, the face of the building setback 600mm from the rear boundary and the rear balcony cut back so that it does not encroach over the boundary;
- (b) The deletion of the proposed first floor balcony to the new dwelling in the western elevation.
- (c) The front and rear dormer windows for the existing dwelling to be detailed at a scale of 1:50 and to incorporate the following requirements:-
- ? The dormer windows to be rectangular, timber framed, vertically proportioned, double-hung sash windows;
  - ? The height to width ratio of the dormer windows to be 1.5:1, measured from the base to the top of the window frame;
  - ? The total width of the dormers (including frames) is not to exceed 1400 mm with the eave and gable overhand not to exceed 100 mm.
  - ? The apex of the gable to be set at least 200 mm below the existing roof ridge
  - ? No glazing to be incorporated in the gable above the sash windows.

- (d) A NatHERS energy efficiency report to verify that the proposed new dwelling shall comply with a minimum 3.5 star energy efficiency rating;
- (e) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes, in respect to the following:
  - (i) external finishes to walls;
  - (ii) roofing;
  - (iii) balcony treatment;
  - (iv) proposed fences;
  - (v) windows and doors;

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

- (2) That subject to the amendments required in Condition (1) the development shall be carried out generally in accordance with plans submitted on 3 July, 2002;
- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$2,475 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (4) That prior to issuing 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 \$300, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (5) 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
Open Space/LGA Works Programme	\$934

Open Space/Green Square	\$9512
Accessibility And Transport	\$28
Road Infrastructure/Green Square	\$8216
Community Facilities/Green Square	\$1226
Management	\$68
Total	\$19984

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 – June Quarter 2002.

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 offset 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.

Copies of the Section 94 Contributions plan may be inspected at Council's offices presently located at 280 Elizabeth Street, Surry Hills;

- (6) 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
Multi-Function Administration Centre	\$1395

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

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

where:

C is the original contribution amount as shown above;

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

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the June Quarter 2001/02.

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.

Copies of the Section 94 Contributions plan may be inspected at Council's offices presently located at 280 Elizabeth Street, Surry Hills;

- (7) That a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development.";

- (8) That a subdivision certificate shall be submitted for the proposed subdivision.
- (9) That the proposed new dwelling shall be rendered and painted in earthy tones to be compatible with the character of the area.
- (10) That the proposed brickwork of the existing dwelling shall match the existing brickwork, to be detailed with the application for a Construction Certificate;
- (11) That intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the Protection of the Environment Operation Act, 1997;
- (12) 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 Part 9 Division 3, Roads Act, 1993). No

excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of Public Works and Services;

- (13) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the City Works Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a construction certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees. (Warning - to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (14) That the applicant shall apply to the Director of City Works for the allocation of a street number. Council will then inform all the relevant authorities. Upon issue of the street number they shall be clearly displayed, being of contrasting colour and adequate size and location for viewing from the roadway;
- (15) That prior to the commencement of any work a Road Opening Permit shall be obtained for any excavation or building works on the public way, as required under the provisions of Part 9 Division 3 of the Roads Act, 1993;
- (16) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing of an Occupation Certificate;
- (17) 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;
- (18) That should the applicant wish to utilize 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-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (19) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of Public Works and Services for the provision of the necessary vehicular footway crossing, and also bear the cost of that crossing. A similar process shall be followed for the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required. The applicant shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerb, guttering, paving

and drainage. Such approval is required under the Roads Act, 1993. The work shall be done by Council unless other arrangements are approved in writing by the Director of Public Works and Services;

- (20) 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 Works Zone;
- (21) 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 crossings and the like;
- (22) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; 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;
- (23) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge;
- (24) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (25) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
  - (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (26) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;
- (27) That a certificate shall be submitted from a licensed builder or architect confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";

- (28) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (29) That all relevant sections of the BCA shall be complied with;
- (30) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (31) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;
- (32) 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;
- (33) 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;
- (34) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (35) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (36) That the requirements of the Work Cover Authority shall be complied with;
- (37) 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;
- (38) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";

- (39) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (40) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (41) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (42) That the demolition work shall comply with Australian Standard 2601-1991;
- (43) That if the soil conditions require it:
  - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
  - (b) adequate provision must be made for drainage;
- (44) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - (a) must preserve and protect the building from damage;
  - (b) if necessary, must underpin and support the building in an approved manner;
  - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished;

(Note) The owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land and in this condition, allotment of land includes a public road and any other public place;

- (a) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;

- (b) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA and complying with AS 3786;
- (c) That the proposed side boundary wall shown on the approved plans shall not be built as a party wall but the proposed extension shall be wholly located within the boundaries of the allotment unless the written consent of the adjoining owner is submitted to Council;
- (d) That where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with part 3.1.3 of the BCA;
- (e) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
- (f) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (g) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (h) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (i) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (j) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (k) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation complying with requirements of 3.8.5 of the BCA;
- (l) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
- (m) That the door to a fully enclosed sanitary compartment shall comply with the requirements of clause 3.8.3.3 of the BCA;
- (n) That all glazing materials shall comply with Part 3.6 of the BCA;

- (o) That the combustible rooflights or the like (in a class 1 and 10 building) shall comply with Part 3.7.1.10 of the BCA;
- (p) That balustrades shall comply fully with the requirements of Part 3.9.2 of the BCA.

NOTE: The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution 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, including adverse effects relating to the emission of noise and vibration, privacy loss, streetscape qualities, heritage issues, traffic and parking congestion, and would not be in the public interest.

(DCE Report 3.10.02)

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

That the application be deferred to the next Planning and Development Committee to enable receipt and assessment of amended plans and proposal for the site, and for further discussion with the applicant, community and Councillors in relation to the proposal.

Motion, as amended by Councillor Lay, carried.

15.

**WARD AVENUE, NO. 11 , POTTS POINT – OPERATION OF A GROCERY STORE BY AMALGAMATING FOUR EXISTING SHOPS, OPERATING 6AM TO 1AM, DAILY – DEVELOPMENT APPLICATION (U02-00669)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Weir and Philip Architects, with the authority of Strata Plan 14156, to establish a grocery store, by amalgamating four existing retail spaces for the following reasons, namely:-
- (1) That the proposal is not consistent with the planning intent of Part D of Development Control Plan 1997 Urban Design relating to the loss of employment opportunities within the locality;
  - (2) That the proposal conflicts with the objectives of the Mixed Uses Zone 10 under Local Environmental Plan 1998, as it will result in a loss of employment opportunities and may adversely impact on the amenity of the surrounding residential area, by way of operating hours.
  - (3) The proposal has been assessed in terms of its economic and social impacts in accordance with s79(C)(1)(b) of the Environmental Planning and Assessment Act, 1979 and is found to result in a reduction in employment on the subject site.
  - (4) That the approval of the application is not in the public interest.
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

(At the Planning and Development Committee meeting, Councillor Lay tabled a Petition with approximately 79 signatures appended objecting to the proposed introduction of a 24 hour convenience store in the shops complex.)

16.

**VICTORIA STREET, NO. 168, POTTS POINT – ALTERATIONS AND ADDITIONS TO TERRACE, TO OPERATE AS A BACKPACKERS' HOSTEL – DEVELOPMENT APPLICATION (U02-00668)**

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by White Box Architects, with the authority of Paul Reidy and Nadia Belci, to carry out

alterations and additions to an existing dwelling to operate as a backpackers' hostel, subject to the following conditions, namely:-

- (1) That the development be generally in accordance with plans labelled DA 01, DA 02, A 03 and DA 04, dated May 2002 and Amendment A to DA 01 dated 10 July 2002, drawn by White Box Architects, subject to conditions;
- (2) That the trafficable area of Balcony 2 shall extend no further than 1.2 metres from the wall, and the planter box shall extend the full length of the balcony;
- (3) That the trafficable area of Balcony 3 shall extend no further than 1.4 metres from the wall, and the planter box shall extend the full length of the balcony;
- (4) That a separate development application for signage shall be submitted to Council, unless exempt under Council's Exempt and Complying DCP 1999;
- (5) That signage shall be placed within the premises advising patrons to minimise the amount of noise they generate when leaving the premises;
- (6) That external communal areas, including balconies and courtyards, shall not be used between 10.00pm and 7.00am daily;
- (7) That signage shall be placed in the communal areas, including balconies and courtyards, to notify patrons to cease use of these areas between 10.00pm and 7.00am, daily;
- (8) That Council shall be advised in writing of any proposed modification to the Plan of Management approved by this consent and written consent to the proposed modification shall be obtained from the Director of City Environment prior to any changes taking place;
- (9) That the Site Manager/s and staff shall be familiar with Plan of Management and operational details associated with this development consent;
- (10) That Bedroom 4 shall be dedicated for the purposes of a permanent Site Manager/s bedroom;
- (11) That the windows of Bedroom 5 and 8 shall contain translucent glass and shall be hopper, or tilt up windows;
- (12) That the roofing of the proposed dormers is to be in slate grey corrugated metal to match that of the main roof form;

- (13) That the dormer windows are to be vertically proportioned in the ratio 1.5:1 and are to be traditionally detailed and sympathetic to the style of the existing terrace;
- (14) That the maximum internal width of the front dormer is to be 1000mm;
- (15) That the window to the proposed dormers shall match the scale, style and proportions of the existing window at the ground floor front of the building;
- (16) That the proposed dormer windows shall generally be a single sash timber framed double hung window to match the existing windows in the building;
- (17) That the eave and gable overhang is limited to a maximum of 100mm;
- (18) That the proposed dormers shall not impact upon or require the removal of any existing chimneys;
- (19) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (20) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$1000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (21) 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
Open Space: LGA Works Programme	\$8545

**GENERAL MANAGER**

Open Space: New Parks	\$38929
Accessibility And Transport	\$254
Management	\$623

Total \$48,351

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

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

where:

C is the original contribution amount as shown above;  
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and  
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – June Quarter 2001/02.

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.

Copies of the Section 94 Contributions plan may be inspected at Council's offices presently located at 280 Elizabeth Street, Surry Hills;

- (22) 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 Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of Public Works and Services;
- (23) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the City Works Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a construction certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees. (Warning - to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (24) That prior to the commencement of any work a Road Opening Permit shall be obtained for any excavation or building works on the public

way, as required under the provisions of Part 9 Division 3 of the Roads Act, 1993;

- (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 should the applicant wish to utilize 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-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (27) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of Public Works and Services for the provision of the necessary vehicular footway crossing, and also bear the cost of that crossing. A similar process shall be followed for the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required. The applicant shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerb, guttering, paving and drainage. Such approval is required under the Roads Act, 1993. The work shall be done by Council unless other arrangements are approved in writing by the Director of Public Works and Services;
- (28) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves on-street works zone;
- (29) 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 crossings and the like;
- (30) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; 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;
- (31) 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;

- (32) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (33) 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);
- (34) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (35) That a certificate shall be submitted from a licensed builder or architect confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
- (36) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;
- (37) That all relevant sections of the BCA shall be complied with;
- (38) 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;
- (39) 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;
- (40) 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;
- (41) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (42) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;

- (43) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (44) That the requirements of the Work Cover Authority shall be complied with;
- (45) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;
- (46) 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;
- (47) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (48) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (49) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (50) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (51) That the demolition work shall comply with Australian Standard 2601-1991;
- (52) That if the soil conditions require it:
  - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
  - (b) adequate provision must be made for drainage;
- (53) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made
  - (a) must preserve and protect the building from damage, and
  - (b) if necessary, must underpin and support the building in an approved manner, and

- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished

(Note) The owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land and in this condition, allotment of land includes a public road and any other public place;

- (54) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an approved manner, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished

(Note) The owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land and in this condition, allotment of land includes a public road and any other public place;

- (55) That Fire Safety and Evacuation Procedures shall be established in conjunction with an appropriately qualified firm and shall comply where relevant with AS 3745-1995;

- (56) In respect to the existing building, 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 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;
- (c) That an opening in a wall providing access to a ventilating pipe, garbage or other service shaft shall be protected in accordance with the requirements of C3.13 of the BCA;
- (d) That the services passing through a floor shall either protected in accordance with C3.15 of the BCA;
- (e) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (f) That the doorswing to Bedroom Two shall be reversed;
- (g) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (h) That all glazed assemblies shall comply with clause B1.3(h) of the BCA;
- (i) 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 and D2.17 of the BCA respectively;
- (j) 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;
- (k) That notices outlining the "offences relating to Fire Exits" shall be displayed in a conspicuous position adjacent to each doorway providing access to the fire isolated stairway in accordance with clause 183 of the Environmental Planning and Assessment Regulation 2000;
- (l) That the minimum floor area per person shall comply with Council's health policy for places of shared accommodation, section 4 (bedroom occupancy requirements) dated November 2000;

- (m) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (n) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (o) 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;
- (p) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (q) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (r) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (s) That the main electrical switchboard and all electrical sub-boards shall be fully enclosed in construction having a minimum fire resistance level of 60/60/60;
- (t) That good housekeeping shall be maintained at all times;
- (u) That egress paths are to be kept free of obstructions/storage at all times;
- (v) That the electrical installation serving the subject premises shall be inspected by a suitably qualified electrical contractor and certified accordingly.

The certificate shall be in the form of a typed report providing the following minimum requirements:-

- (i) the electrical contractors licence number;
- (ii) that a visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
- (iii) that an insulation resistance test was carried out pursuant to Clause 1.5.2 of SA 3000 and was found to be satisfactory;
- (iv) that circuit protection devices used have been examined and found to be satisfactory pursuant to Clause 2.4 of SAA 3000.

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

- (w) That any gas installation to the whole of the premises shall be inspected by a suitably qualified gas fitter and certified as complying with the relevant safety requirements of AGL Gasfitting Rules Vol 1;
- (x) That all walls bounding sole occupancy units shall have a minimum fire resistance level of 60/60/60;
- (y) That storage of goods on stairs or in stair wells shall not be permitted;
- (z) That the storage cupboard under the stairs shall be completely removed from the fire-isolated stairway;
- (aa) That a residential sprinkler system shall be installed throughout the building. The system shall comply with a standard of installation and maintenance in accordance with the requirements of Australian Standard 2118.4-1995;
- (bb) That the underside of all existing floors throughout the building be lined with one of the following materials:-
  - (i) Plasterboard;
  - (ii) Perforated gypsum lath with a normal paper finish;
  - (iii) Fibrous-plaster sheet conforming to AS2185 specification for fibrous plaster products;
  - (iv) Fibre-reinforced cement sheeting;
  - (v) Any other material, upon formal application, that is subsequently approved by Council;
- (cc) Smoke hazard management shall comply fully with the requirements of Part E 2.2 of the BCA;
- (dd) 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;
- (ee) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (ff) That the door to a fully enclosed sanitary compartment shall comply with the requirements of clause 3.8.3.3 of the BCA;
- (gg) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;

- (hh) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
  - (ii) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
  - (jj) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of F1.4 of the BCA;
  - (kk) That doorways to the ground floor reception, common and dining rooms that open into the stair enclosure shall be protected by self closing -/60/30 fire door;
  - (ll) Handrails and balustrades shall comply fully with the requirements of Part D of the BCA.
- (57) In respect to the new building, 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 proposed doorways opening onto the fire isolated stairway at the ground floor level shall be redesigned to comply fully with the requirements Part D1.7(a) of the BCA.
- (58) That all internal areas not provided with adequate natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and AS1668;
- (59) That a system of mechanical exhaust ventilation be provided to the proposed enclosed ensuites and toilets exhausting at least 10 l/s per square metre of floor area of each sanitary compartment but not less than 25 l/s from each sanitary fixture;
- (60) That the proposed laundry shall be provided with a mechanical exhaust ventilation system extracting at least 20 l/s;
- (61) That the exhaust vents shall be designed to discharge the effluent air in a vertical direction at least one metre above the roof ridge level in a position where no nuisance will be created and at least six metres from any fresh air intakes in accordance with the provisions of AS 1668;
- (62) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operation Act, 1997;

- (63) That the use of the premises shall not give rise to:
- (a) Transmission of 'offensive noise' to any place of different occupancy, and,
  - (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and,
  - (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy;
- (64) That the use and operation of the premises shall comply with the requirements of Schedule 1 (Standards for Places of Shared Accommodation) of the Local Government (Orders) Regulation, 1999 under the Local Government Act, 1993, Councils adopted policy, the Public Health Act, 1991 and regulations thereunder;
- (65) That the use and operation of the premises shall comply with the requirements of Council's adopted DCP 1997 Part F, Section 4 Tourist Accommodation Provisions;
- (66) A schedule showing the numeral designating each bedroom and dormitory and the number of persons permitted to be accommodated in each bedroom, must be conspicuously displayed on the premises in accordance with section 4.5 of Council's DCP 1997 Part F, Section 4 Tourist Accommodation Provisions;
- (67) Each bedroom unit must be numbered in accordance with the schedule and be clearly displayed on the door of each bedroom, the maximum number of persons allowed to be accommodated in each room in accordance with section 4.5 of Council's DCP 1997 Part F, Section 4 Tourist Accommodation Provisions;
- (68) A sign indicating the permissible maximum length of time (28 consecutive days or less) during which a person may board or lodge must be conspicuously displayed to public view outside the premises in accordance with Council's Health Policy for "Places of Shared Accommodation" Section 5;
- (69) That a total of one washtub, one washing machine and either one dryer or an adequate clothes line shall be provided for the proposed 40 patrons to be accommodated within the premises in accordance

with section 4.14 of Council's DCP 1997 Part F, Section 4 Tourist Accommodation Provisions;

- (70) 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;
- (71) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves, etc) at any time except as in accordance with Council's Local Approvals Policy for Commercial Waste Collection;
- (72) That construction of facilities for, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waste Management – Minimisation Fact Sheets". Details to be submitted with the application for a Construction Certificate;
- (73) That the business proprietor of the backpackers' hostel shall enter into a contract for the daily removal of trade wastes from the premises;
- (74) That building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the public footway or any other locations which could lead to the discharge of materials into Councils stormwater drainage system;
- (75) That all vehicles involved in the demolition process and departing the premises with demolition materials, spoil or loose matter shall have their loads fully covered before entering the public roadway;
- (76) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
  - (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
  - (b) the location of exhaust and intake vents: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);

NOTE: 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 temporary. 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;

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

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

(DCE Report 23.09.02)

Carried.

17.

**PYRMONT BRIDGE ROAD, NOS. 2 - 50, CAMPERDOWN (ORPHANS SCHOOL CREEK GULLY) – WALKWAY FROM PYRMONT BRIDGE ROAD THROUGH ORPHAN'S SCHOOL CREEK GULLY –SECTION 96 MODIFICATION APPLICATION (U99-00618)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of City Environment dated 23 September 2002.

Carried.

18.

**PYRMONT BRIDGE ROAD, NOS. 2 - 50 (AKA NO. 30A), CAMPERDOWN (CITY QUARTER – FORMER CAMPERDOWN CHILDREN'S HOSPITAL SITE) – REFURBISHMENT OF FORMER ADMISSIONS BUILDING AND CONVERSION TO COMMERCIAL BUILDING, ALTERATIONS AND ADDITIONS TO ALSO CREATE A POOL/RECREATIONAL FACILITY, PARTIAL DEMOLITION OF BUILDING, STRATA SUBDIVISION AND PROVISION OF CAR PARKING (U02-00660)**

- (A) That Council, as the consent authority, grants its deferred commencement consent under Section 80(3) of the Environmental Planning and

**GENERAL MANAGER**

Assessment Act, 1979, to the application submitted by Sterling Estates Development Corporation for the refurbishment of the former Admissions Building, alterations and additions, new gymnasium, recreation area, swimming pool, landscaping, use of the building for commercial purposes and car parking for 9 cars at Lot 17, 2-50 Pymont Bridge Road, Camperdown, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within three months of the date of this deferred commencement consent and shall be approved in writing by the Director of City Environment prior to lodging an application for a construction certificate;
  - (a) The site shall be validated by an EPA Accredited Site Auditor and a Site Audit Statement issued to Council that clearly delineates the area of the site validated and states that the site is suitable for the proposed use;
- (2) That the development shall be generally in accordance with plans numbered and dated DA02-DA09, dated 1 August, 2002 and drawn by Bonus & Associates Pty Ltd, stamped and endorsed by Council, unless varied by any of the following conditions;
- (3) Part A

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

Contribution Category	Amount
Open Space: LGA Works Programme	\$2,260
Open Space: New Parks	\$11,321
Accessibility And Transport Management	\$65
	\$280
Total	\$13,926

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

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

where:

C is the original contribution amount as shown above;  
CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and  
CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 2001/02.

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 / before the use is commenced or the release of the Occupation Certificate whichever occurs first. (Delete as applicable)

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

#### Part B

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

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

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

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

Works to be carried out on public land will also require proof of public liability insurance.

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

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

Copies of the Section 94 Contributions plan may be inspected at Council's offices presently located at 280 Elizabeth Street, Surry Hills;

- (4) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$17,490 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (5) That prior to issuing 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 \$6,600, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (6) An experienced heritage practitioner is to be engaged to oversee all aspects of the work related to the Admissions building including demolition of internal walls, changes to existing openings and proposed conservation works.
- (7) All repair work to, and reinstatement of details of, the original fabric of the Admissions building is to match as closely as possible the existing original work in respect of materials used, detailed execution and finished appearance.
- (8) The existing Pixie O Harris painted murals on the second floor are to be retained and where necessary conserved. Any conservation works of the murals must be carried out under the supervision of a suitably qualified and experienced conservator.
- (9) The interpretation of the history and use of the Admissions building as part of the Royal Alexandra Children's Hospital within the

Admissions building is to be carried out in accordance with the Interpretation Masterplan for City Quarter prepared by Paul Davies Pty Ltd for Sterling Estates, dated 8 July, 2002.

- (10) That all vehicles must enter and exit the site in a forward direction at all times.
- (11) All vehicles servicing site shall be able to access, load, unload and manoeuvre wholly within the site and not encroach upon public roads.
- (12) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb.
- (13) That the owner shall dedicate to the appropriate electricity authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if such is required, the size and location of which is to be in accordance with the requirements of the appropriate electricity authority and the Director of Planning and Building and so that the opening of any doors of such substation shall not intrude upon the public way;
- (14) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing of an Occupation Certificate;
- (15) 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 crossings and the like;
- (16) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of Public Works and Services for the provision of the necessary vehicular footway crossing, and also bear the cost of that crossing. A similar process shall be followed for the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required. The applicant shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerb, guttering, paving and drainage. Such approval is required under the Roads Act, 1993. The work shall be done by Council unless other arrangements are approved in writing by the Director of Public Works and Services;
- (17) 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 Works Zone;

- (18) That the vehicular crossing shall, prior to occupation, be treated in such a manner as to provide a safe walking surface;
- (19) That the applicant shall provide off-street parking for construction workers. The location of these spaces should be indicated on the plans submitted with the Construction Certificate;
- (20) 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 crossings and the like;
- (21) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; 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;
- (22) 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;
- (23) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (24) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (25) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (26) That stormwater drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with AS3500 Part 3 and Code of Standard Requirements for the discharge of stormwater;
- (27) That a certificate shall be submitted at the completion of the proposed drainage system from a registered certifier confirming that all work complies with the approved certified plans;
- (28) Prior to the issue of a Construction Certificate for above ground works or works not directly ancillary to a remediation process, 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 an s96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required;

- (29) 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;
- (30) NOTE: That prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and NSW, EPA 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act, 1997 provides for the commission of an offence for both the waste owner and transporter if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.
- (31) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (32) That a garbage /recycling storage facility shall be located within the site at street level in a position approved by Council's Waste Services Manager that can be accessed by a kerbside collection service. Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waste Management - Minimisation Fact Sheets". Details to be submitted with the application for a Construction Certificate;
- (33) 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;
- (34) 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 pursuant to the provisions of the following:

- Protection of the Environment Operations Act, 1997
- Protection of the Environment Operations (Waste) Regulation 1996
- Waste Avoidance and Recovery Act 2001
- New South Wales Occupational Health & Safety Act, 2000
- New South Wales Construction Safety Act, 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983)
- The Occupational Health & Safety Regulation 2001
- The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996;

(35) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia;

(36) That the use of the premises shall not give rise to:

- (a) Transmission of 'offensive noise' to any place of different occupancy, and,
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and,
- (c) 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 and approved by Council or a certifying authority prior to the commencement of work:

- (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (b) the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
- (c) the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;

- (38) That the pool and pool surrounds shall be maintained in accordance with the Public Health (Swimming Pools and Spa Pools) Regulation 2000;
- (39) 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;
- (40) The applicant and/or builder shall prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Councils stormwater drainage system during construction/demolition. Measures must include:
- (a) Siltation fencing
  - (b) Protection of the public stormwater system; and,
  - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place;
- (41) That all vehicles involved in the demolition process and departing the premises with demolition materials, spoil or loose matter shall have their loads fully covered before entering the public roadway;
- (42) That prior to the commencement of demolition/construction activities an Environmental Management Plan (EMP) shall be developed and submitted to Councils Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site,
  - (b) Measures to suppress odours and dust emissions,
  - (c) Selection of traffic routes to minimise residential noise intrusions,
  - (d) Soil and sediment control measures,
- (43) That all relevant sections of the BCA shall be complied with;
- (44) 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;

- (45) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (46) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (47) That the requirements of the Work Cover Authority shall be complied with;
- (48) 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;
- (49) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (50) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (51) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (52) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (53) That the demolition work shall comply with Australian Standard 2601-1991;
- (54) 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 proposed work shall be constructed in Type (B) construction in accordance with the requirements of specification C1.1-(4) of the BCA;
  - (b) 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;

- (c) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (d) That all glazed assemblies shall comply with clause B1.3(h) of the BCA;
- (e) That the discharge from exits shall comply with D1.10 of the BCA;
- (f) That the required non-fire isolated stairways in this building having a rise in storeys of more than two shall be constructed in accordance with D2.3 of the BCA;
- (g) That electricity and telecommunication services shall not be installed in a required non-fire-isolated exit or in any corridor, hallway lobby or the like leading to a required exit unless they are enclosed by non-combustible construction or a fire protective covering in accordance with D2.7 of the BCA;
- (h) That any storage cupboards under required non-fire isolated stairs (including external stairs) shall have their walls and ceilings constructed from materials having a fire resistance level of not less than 60/60/60 and any access doorway to the cupboard shall be fitted with a self-closing -/60/30 fire door in accordance with D2.8(b) of the BCA;
- (i) 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 and D2.17 of the BCA respectively;
- (j) 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;
- (k) That exit doors shall be altered so as to open in the direction of travel and shall be recessed so as not to open over the footway and shall be readily openable without the use of keys at all times during occupancy;
- (l) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;

- (m) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (n) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (o) 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;
- (p) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (q) That an automatic sprinkler installation complying with the requirements of AS2118 and E1.5 of the BCA shall be installed throughout the building;
- (r) 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;
- (s) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (t) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (u) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (v) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (w) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
- (x) That the door to a fully enclosed sanitary compartment shall comply with the requirements of clause 3.8.3.3 of the BCA;
- (y) Access and facilities for people with disabilities shall comply fully with the requirements of Parts D.3 and F.2.4 of the Building Code of Australia.

- (z) That an additional exit shall be provided to serve the second floor of the premises which shall comply with the requirements of Part D of the Building Code of Australia.
- (aa) Separation and compartment sizes shall comply fully with the requirements of Part C of the Building Code of Australia.
- (bb) Smoke hazard management shall comply fully with the requirements of Part E.2.2(b) of the Building Code of Australia.
- (cc) That the proposed swimming pool shall comply fully with the requirements of the Swimming Pools Act, 1992.
- (dd) Balustrades shall comply fully with the requirements of Clause D.2.16 of the Building Code of Australia.

NOTE: The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution 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 the persons who made representations in respect of the proposal be advised of Council's decision.

(DCE Report 4.10.02)

Carried.

19.

**PUBLIC RELATIONS - HERITAGE AWARDS (2027633)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Harcourt:-

That the matter be deferred to obtain further advice from the Heritage Committee and the matter then be referred back to the Finance Committee for consideration.

Carried.

20.

**GEORGE STREET, NOS. 160 – 202, REDFERN – SUBDIVISION INTO TWO LOTS AND DEMOLITION OF EXISTING TOILET BLOCK – DEVELOPMENT APPLICATION (U02-00022)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Furness:-

That the application be referred to the Minister for Planning with a recommendation for refusal, based on the following grounds, namely:-

- (1) That the proposed development does not satisfy Clause 15(1) of the South Sydney Local Environmental Plan 1998 as the development would not contribute to a sustainable community;
- (2) That the proposed development does not satisfy Clause 15(1)(a) of the South Sydney Local Environmental Plan 1998 as the application would be unlikely to facilitate the continued use of the land for educational purposes;
- (3) That the proposed development does not satisfy Clause 15(1)(b) of the South Sydney Local Environmental Plan 1998 as the application may allow other development that is not ancillary to the primary use of the site;
- (4) That the proposed development does not satisfy Clause 15(1)(d)(ii) of the South Sydney Local Environmental Plan 1998 as the proposed subdivision may undermine the continued use of the site for its intended purpose;
- (5) That the proposed development does not comply with s79C(1)(e) of the Environmental Planning and Assessment Act, 1979, in that it is not in the public interest.

(DCE Report 22.10.02)

Carried.

21.

**FLINDERS STREET, NO. 114, DARLINGHURST – RE-INSTATED SKILLION WHICH REPLACES A DILAPIDATED PREVIOUS SKILLION – DEVELOPMENT APPLICATION (U02-00101)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

(A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Brian Gallego, with the authority of Brian Gallego, to re-instate a rear skillion wing containing a kitchen, for the following reasons:

(1) That the building work was carried out without obtaining prior approval from Council and Council does not have the power to approve unauthorised works pursuant to the provisions of the Environmental Planning and Assessment Act 1979 and the Building Code of Australia.

NOTE: The applicant is advised that, without prejudice to the future exercise of Council's rights and duties, subject to compliance with each and all of the following conditions and requirements within 40 days, from the date of this notice Council may seek no further action. However, failure to comply with any or all of the following conditions and requirements within 40 days will result in Council issuing an Order pursuant to the Environmental Planning and Assessment Act."

(a) That the rear east facing wall including openings shall have an FRL of 60/60/60 when tested from the outside or alternatively the boundary shall be realigned as proposed on boundary adjustment plan reference number 4981-1 dated 21-12-01 and that part of the rear East facing wall for a length of 900mm from the new boundary shall have an FRL of 60/60/60 when tested from the outside.

A certificate be submitted to Council confirming the fire rating level of 60/60/60.

(b) That a structural engineers certificate be submitted to Council from a Council registered structural engineer certifying that the reinforced concrete slab, wall and roof framing as built is structurally adequate and complies with the relevant Australian Standards.

(c) That a new internal dividing wall with an FRL of 60/60/60 shall be built to the kitchen area of 114 Flinders Street this wall shall run parallel to the existing 115mm party wall between 114 & 112 Flinders Street, the wall shall achieve an STC of 45.

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A certificate be submitted to Council confirming the fire rating level of 60/60/60.

- (d) That a certificate be submitted from the Sydney Water Authority that the sanitary plumbing and drainage complies with their requirements.
  - (e) That a certificate be submitted from Energy Australia certifying that the electrical installation complies with their requirements.
  - (f) That a certificate be submitted to Council confirming that the window installation complies with AS 2047.
  - (g) That a stormwater certificate be submitted to Council from a Council registered stormwater engineer certifying that the stormwater discharge complies with AS 3500.3.2.
  - (h) That a certificate be submitted confirming that termite risk management barriers have been installed in accordance with AS 3660.1.
  - (i) Provide smoke alarms in accordance with the BCA Housing Provisions Part 3.7.2.4 for a Class 1b residence, a fire safety certificate is to be submitted to Council on completion of this work;
- (B) That the applicant be advised that the existing internal fence(s) on the site adjoining the new rear skillion be entirely removed and the whole of the rear open space on the site be cleared of structures, cleaned of all waste materials, and restored and made fit for use as residential open space by the residents of the site, within 40 days from the day of this notice,
- (C) That no other structures or works shall be erected on the site , and no other changes of use or subdivisions of any part of the site shall be made at any time in the future without the lodging of a development application and the granting of consent by Council.
- (D) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

(DCE Report 21.10.02)

Carried.

22.

**OXFORD STREET, NOS. 117-123, DARLINGHURST – EXTENSION OF TRADING HOURS FOR APPROVED HOTEL FROM 10.00AM TO 3.00AM SEVEN DAYS PER WEEK TO 24 HOURS A DAY SEVEN DAYS PER WEEK – DEVELOPMENT APPLICATION (U02-00398)**

- (A) That the application be refused for the following reasons, namely:-
- (1) That the proposed development is inconsistent with the objectives of the 3 Business Zone in LEP, 1998;
  - (2) That the proposal is inconsistent with the performance criteria in DCP 1997, in that it will adversely impact upon the area by way of:-
    - (a) Noise;
    - (b) Anti-social activity;
    - (c) Crime;
    - (d) Vibration;
    - (e) Creating conflict with pedestrian flow;
    - (f) Additional gambling;
    - (g) Cumulative impact of two hotels on adjoining sites;
  - (3) That it is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

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

- (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 McHugh Holdings Pty Ltd, with the authority of McHugh Holdings Pty Ltd, to a 12 month trial to extend the hours of the hotel to 24 hours per day seven days per week, subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 3 months of the date of this deferred commencement consent and shall be approved in writing by the Director of City Environment prior to lodging an application for a Construction certificate:
    - (a) Signed amended Plan of Management which incorporates the conditions of this consent, particularly with respect of condition (6);
  - (2) That the development shall be generally in accordance with plans numbered DA1101, DA1201, DA1301, DA1302, DA1501 & DA1601

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dated 8 June, 2001, except where amended by other conditions in this consent;

- (3) That the hours of operation shall be as follows:
- Monday: Midnight till 3am & then 10am to midnight
  - Tuesday: Midnight till 3am & then 10am to midnight
  - Wednesday: Midnight till 3am & then 10am to midnight
  - Thursday: 24 Hours
  - Friday: 24 Hours
  - Saturday: 24 Hours
  - Sunday: 24 Hours
- (4) That the hours of operation listed in the condition above shall be for a trial period of 12 months after which they are to revert back to the hours of operation approved under DA U01-00527;
- (5) That a bank guarantee for \$10,000 shall be provided to Council by the licensee as a bond for the control of the noise level and as a guarantee that the nightclub shall comply with the approved hours. The bank guarantee shall be lodged with Council prior to operation of the premises as a hotel, and shall be retained until such time as a further application for an extension of hours (following the trial period) is lodged and determined by Council. Should it be shown that the hours and noise controls are not adhered to then Council shall acquire the \$10,000 and the extended hours approved by this consent shall cease. Nb. Legal action may also be pursued by Council to enforce the conditions of this consent should non-compliance occur;
- (6) That the draft Plan of Management shall be finalised and adopted prior to operation of the premises and shall be in accordance with the draft Plan of Management prepared by Design Collaborative Pty Ltd and submitted with the Application. The plan of management shall be signed by the licensee for the Hotel;
- (7) That compliance with the Plan of Management shall be given at all times and in particular the following;
- (a) Closed circuit video surveillance cameras shall be installed both inside and outside the hotel in accordance with plans prepared by Kevin Snell Architects numbered FD06, FD07, FD08, FD09;
  - (b) Those cameras and associated equipment shall be selected to ensure that the quality of images recorded is satisfactory to Commander of the local Police Patrol;

- (c) that equipment shall be maintained in working condition with any repairs or maintenance required being carried out quickly as is reasonably possible;
  - (d) the cameras installed outside the premises shall provide coverage of the whole of the footpaths of Oxford and Crown Street upon which the hotel abuts together with, at least, three metres of the width of the adjoining carriageways;
  - (e) video surveillance shall operate at all times the hotel is open for trade and, in the event of its closing, for, at least, 30 minutes after that time;
  - (f) monitors displaying the recordings made of the exterior of the hotel shall be placed where staff of the hotel can easily and frequently observe them;
  - (g) recorded tapes shall be preserved for, at least, days after which they may be re-used or destroyed;
  - (h) recorded tapes shall be made available to Police or Council Officers on receipt of a written request;
  - (i) a ticketing system so that on busy nights, rather than joining an external queue, patrons can be given a ticket to advise them of a time they can return to the hotel and gain access or alternatively purchase advance tickets, prior to the evening;
- (8) That each evening until the following morning or until the relevant level of the hotel is closed to the public (whichever is the earlier) there shall be, at least, one uniformed security person stationed on each level of the hotel that is open for trade;
- (9) That at no time shall patrons queue on either Oxford Street or Crown Street and obstruct pedestrian traffic whilst waiting to be permitted entry;
- (10) That each evening until next morning, there shall be stationed at each of the three entrances into the hotel, a security person whose duties shall include:-
- (i) Checking the ages of those seeking to enter;
  - (ii) Ensuring the persons unduly affected by alcohol or like substances are not permitted to enter;
  - (iii) Ensuring maintenance of the hotel's dress code;
  - (iv) Monitoring and controlling – if required- the numbers present in the hotel; and
  - (v) Monitoring and controlling the behaviour of patrons or potential patrons in the vicinity of the hotel;

- (11) That the hotel shall be conducted in a manner that does not impair the amenity of the locality;
- (12) That the trial operating hours may not commence until the approval of the Liquor Administration Board is obtained. The applicant is to advise Council of such approval and the trial is to commence within 4 months of obtaining approval from the Liquor Administration Board. A further development application may be lodged within 2 months before the end of the 12 month trial period for Council's consideration. Such consideration will be based on, but not limited by, the performance consent conditions, and any complaints received, commitment to any Accord in place and any views expressed by the Police;
- (13) That the licensee shall ensure that the approved capacity of the Hotel is not breached at any time and that no persons be permitted to queue, drink or loiter outside the premises at any time. In this regard, the security personnel shall be responsible for 'keeping count' and enforcement;
- (14) That all reasonable steps are to be undertaken to ensure that the following occurs:
  - (a) promotion of the responsible sale, supply and service of alcohol;
  - (b) all reasonable steps are taken to ensure that no patrons are intoxicated on the premises;
- (15) That nothing in this consent prevents Council from seeking a cessation of the approved temporary hours should, in the Council's opinion, an unreasonable nuisance arise or any part of the plan of management is not complied with. Council reserves the right to enforce such without notice;
- (16) That notwithstanding compliance with the following noise conditions, the noise from the licensed premises shall not be audible within any habitable room in any residential premises;
- (17) That other than in respect of hours of operation, the development shall comply with all other requirements of the Liquor License applying to the premises;
- (18) That where the conditions of this consent contradict or conflict with a condition of the licensee's Liquor License (other than in terms of the temporary extended hours), the more stringent of the conditions shall apply;

- (19) That all conditions previously stipulated in Development Application U01-00527 be complied with in full except where they are superseded by conditions in this consent;
  - (20) That a Statement from an accredited acoustic consultant certifying that the proposed acoustic treatments outlined in previous acoustic reports shall satisfy conditions of consent regarding noise emissions from the proposed 24 hour use of the premises prior to the commencement of work;
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council advise the licensing section of the Surry Hills Local Area Command Police Service of its decision.

Motion, as amended by consent, carried.

23.

**TRAFFIC – SYDNEY SIGHTSEEING PTY LTD – PRIVATE TOURIST BUS SERVICE – DARLINGHURST, POTTS POINT AND WOOLLOOMOOLOO AREAS (2013597)**

That Council resolves to endorse the proposed Sydney Sightseeing Pty Ltd tourist bus service within the South Sydney LGA for a six month trial operation period with the route operating in Darlinghurst, Potts Point and Woolloomooloo. (as per the sketch accompanying the Director's report.)

(DCW Report 28/5/02)

Carried.

24.

**ELIZABETH BAY ROAD, NO. 39, ELIZABETH BAY – INSTALLATION OF GATES AT THE TOP AND BOTTOM OF STAIRS BETWEEN ELIZABETH BAY ROAD AND BRADLEY LANE – DEVELOPMENT APPLICATION (U02-00905)**

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Monica Symonds, with the authority of Bryant Strata Management, to erect gates and associated fencing at the upper and lower ends of the stairway leading from Elizabeth Bay Road to Roslyn Gardens at No. 39 Elizabeth Bay Road, Elizabeth Bay, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans and documentation submitted with the development application and

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endorsed by Council subject to compliance with the conditions below;

- (2) That persons who lawfully, or in an emergency, require access to their premises utilising the stairwell shall be provided with a key to enable continuation of such access;
- (3) 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;
- (4) 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 Works Zone;
- (5) 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);
- (6) That the gates and fencing shall be of metal construction and installed so as to prevent climbing or scaling;
- (7) That the gate installed in the Elizabeth Bay Road side of the site shall be positioned to avoid creating a natural ladder that can be used to gain access to the unit above;
- (8) That the gates and fencing shall be painted using a dark finish;
- (9) That any gates installed at this location shall be fitted with an automatic closing device to ensure self-closure;
- (10) That the gates shall be able to be opened from the inside without a key, utilising a mechanism that allows this without compromising security;
- (11) That the applicant shall comply with the following conditions, or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:-
  - (a) That all relevant sections of the BCA shall be complied with;
- (12) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (13) That structural drawings and certificate from a Council registered structural engineer, certifying that the design is in accordance with

the relevant Australian Standards and design codes shall be submitted to Council prior to commencement of work;

- (14) That the building work must not be commenced until the person having the benefit of the development consent:
- (i) has appointed a Principal Certifying Authority and
  - (ii) has notified the Council of the appointment;
- (15) 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;
- (16) That no building or excavations work shall be commenced until construction certificate has been issued and at least two days written notice of intention to commence work has been given to the Council;
- (17) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;

NOTE: The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution 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 the persons who made representations in respect of the proposal be advised of Council's decision.

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

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Monica Symonds, with the authority of Bryant Strata Management, to erect gates and associated fencing at the upper and lower ends of the stairway leading from Elizabeth Bay Road to Roslyn Gardens at 39 Elizabeth Bay Road, Elizabeth Bay, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans and documentation submitted with the development application and endorsed by Council subject to compliance with the conditions below;
  - (2) That persons who lawfully, or in an emergency, require access to their premises utilising the stairwell shall be provided with a key to enable continuation of such access;
  - (3) That appropriate signage be erected upon the gates to indicate that the stairway is private property and that public thoroughfare is not permitted at any time;
  - (4) 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;
  - (5) 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 Works Zone;
  - (6) 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);
  - (7) That the gates and fencing shall be of metal construction and installed so as to prevent climbing or scaling;
  - (8) The gate installed in the Elizabeth Bay Road side of the site shall be positioned to avoid creating a natural ladder that can be used to gain access to the unit above;
  - (9) The gates and fencing shall be painted using a dark finish;
  - (10) Any gates installed at this location shall be fitted with an automatic closing device to ensure self-closure;
  - (11) The gates shall be able to be opened from the inside without a key, utilising a mechanism that allows this without compromising security;
  - (12) The applicant shall comply with the following conditions, or otherwise provide an alternative solution, submitted as a report to the certifying

authority, illustrating how the relevant performance requirements can be satisfied:-

- (a) That all relevant sections of the BCA shall be complied with;
- (13) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (14) That structural drawings and certificate from a Council registered structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted to Council prior to commencement of work;
- (15) That the building work must not be commenced until the person having the benefit of the development consent:
  - (i) has appointed a Principal Certifying Authority and
  - (ii) has notified the Council of the appointment;
- (16) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays;
- (17) That no building or excavations work shall be commenced until construction certificate has been issued and at least two days written notice of intention to commence work has been given to the Council;
- (18) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;

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

(DCE Report 23.10.02)

Motion, as amended, carried.

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

25.

**DARLINGHURST ROAD, NOS. 32-32A, POTTS POINT (EMPIRE HOTEL) – INCREASE IN GAMING AREA OF HOTEL IN ORDER TO ACCOMMODATE 10 ADDITIONAL GAMING MACHINES, INTERNAL AND EXTERNAL ALTERATIONS – DEVELOPMENT APPLICATION (U01-00931)**

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Martin and Spork, with the authority of D Kingston, to increase the gaming area of the hotel nightclub in order to accommodate 10 additional gaming machines together with internal and external alterations, 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 \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That prior to issuing 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 \$300, 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 drawing numbered 0207-DA-01 A by Martin and Spork dated 22 August 2002 and stamped and endorsed by Council, subject to compliance with the conditions below;
  - (4) That a separate development application shall be submitted at the appropriate time for any proposed signs;

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- (5) That prior to the commencement of any work a Road Opening Permit shall be obtained for any excavation or building works on the public way, as required under the provisions of Part 9 Division 3 of the Roads Act, 1993;
- (6) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (7) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (8) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (9) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (10) That the use of the premises shall not give rise to:
  - (a) Transmission of 'offensive noise' to any place of different occupancy, and,
  - (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and,
  - (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy;
- (11) That the applicant shall enter into a commercial contract for the collection of trade waste. A copy of the agreement shall be lodged at Council's One Stop Shop for referral to the Health Services Manager, prior to the issue of a Construction Certificate;
- (12) 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;
- (13) That noise from the demolition and construction activities associated with the development shall not result in an  $L_{a10}$  noise level measured

over a period of not less than 15 minutes when the demolition or construction site is in operation which does not exceed the background ( $L_{A90}$ ) noise level by more than 10 dB(A) when assessed at any affect premises and shall not cause "offensive noise" as defined in the Protection of the Environmental operations Act, 1997;

- (14) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
  - (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (15) That structural drawings and certificate from a Council registered structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted to Council prior to commencement of work;
- (16) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (17) That all relevant sections of the BCA shall be complied with;
- (18) 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;
- (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 an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (21) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";

- (22) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (23) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (24) That the demolition work shall comply with Australian Standard 2601-1991;
- (25) That the premises, and its site, shall be maintained in a clean and hygienic condition, clear of all undergrowth, rubbish, flammable or noxious material, and other material likely to constitute a fire or health hazard;
- (26) 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 treads and landings of the existing stairways shall be provided with a non-slip finish throughout or with an approved non-skid strip near the respective edging;
  - (b) 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;
  - (c) That materials used in any part of a place of public entertainment shall comply with the requirements of Specification C1.10.4 of the BCA;
  - (d) That all existing fire safety measures shall be extended to cover the proposed renovated areas. Updated fire safety certificates are required to demonstrate that the fire safety measures, upon completion of the renovation, satisfy the requirements of relevant Australian Standards;
  - (e) That the edges of the treads of steps shall be made conspicuous;
  - (f) That the storeroom, rubbish room and the like shall be separated from other parts of the building by construction having a fire-resistance level of not less than 60/60/60;
  - (g) That the electric mains installation shall comply with the requirements of Clause H101.19 of the BCA;
  - (h) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;

- (i) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
- (j) That all glazing materials shall comply with Part 3.6 of the BCA;
- (k) That the wall bounding the fire isolated passageway to Roslyn Street shall have an FRL of 120/120/120;
- (l) That the proposed stairs/steps shall be at least 1000mm in width with goings and risers in accordance with clause D2.13 of the BCA;
- (m) That the proposed stairways shall be constructed in accordance with the requirements of D2.3 of the BCA;
- (n) That balustrades and handrails shall be provided to the proposed stairways in accordance with the requirements of clauses D2.16 and D2.17 of the BCA respectively;
- (o) That the unobstructed height in a required exit or path of travel to an exit shall be not less than 2000mm in accordance with D1.6 of the BCA except the unobstructed height of any doorway may be reduced to not less than 1980mm;
- (p) That dimensions of exits and paths of travel to exits shall in accordance with the requirements of clauses D1.6 of the BCA;
- (q) That the landings of stairways shall be in accordance with the requirements of clauses D2.14 of the BCA;
- (r) That the proposed office on the ground floor shall be provided with an exit complying with D1.9 of the BCA;
- (s) That the walls and ceilings of the storage cupboard under the stairs shall have a fire resistance level of 60/60 and be fitted with a 60/30 fire door, complying in all respects with the requirements of AS1905; or alternatively, the area shall be permanently sealed against use of any kind;
- (t) That an entertainment application shall be lodged to Council to amend the existing entertainment authorisation pursuant to section 68 Chapter 7 of the Local Government Act, 1993.

**NOTE:** The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979, for a breach of a condition, or Protection of the Environment

Operations Act, 1997, for a pollution 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.

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

Carried.

26.

**MCEVOY STREET, NOS. 64 – 68, ALEXANDRIA – MASTERPLAN FOR MIXED USE COMMERCIAL RESIDENTIAL DEVELOPMENT, AMENDED SETBACK TO RETREAT STREET – DEVELOPMENT APPLICATION (U02-00459)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of City Environment dated 8 October 2002.

Carried.

27.

**DADLEY STREET, NO. 12A, ALEXANDRIA – HOME AND COMMUNITY CARE FACILITY AND ASSOCIATED ALTERATIONS – DEVELOPMENT APPLICATION (U02-00635)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report of the Consultant, Angelini Planning Services dated 8 October 2002, and the report of the Director of City Environment dated 8 October 2002.

Carried.

28.

**SUPA CENTA, BOUNDED BY SOUTH DOWLING STREET, DACEY AVENUE, TODMAN AVENUE AND THE MOORE PARK GOLF COURSE, MOORE PARK – ADDITIONAL STOREY OVER NORTHERN SECTION TO CONTAIN 6233SQM OF FLOORSPACE (INCLUDING 5215SQM OF RETAIL SPACE) - DEVELOPMENT APPLICATION (U01-01262)**

That the matter be deferred in order that an additional report be submitted to Council requesting the applicant to submit a:-

- (1) Traffic and Parking Management Plan;
- (2) Signage Masterplan;
- (3) Environmental Management Plan.

Carried.

29.

**RENWICK STREET, NOS. 35 – 37, REDFERN – DEMOLISH EXISTING STRUCTURE AND CONSTRUCT 10 RESIDENTIAL UNITS WITH ASSOCIATED PARKING – DEVELOPMENT APPLICATION (U02-00428)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (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 Mville Pty Ltd (applicant and owner) subject to the following conditions, namely:-
  - (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 6 months of the date of this deferred commencement consent and shall be approved in writing by the Director of City Environment prior to lodging an application for a Construction Certificate:
    - (a) That Unit 9 as shown in plan numbered 21/151/02 dated 15 April 2002 shall be deleted from the plans;
    - (b) That the ramp providing vehicular access to the basement from Renwick Street shall be redesigned to meet the Changes of Grades on Ramp requirements of Figure 2.10 of AS2890.1 with respect to grade change and transition length;
    - (c) That a colour scheme for the front façade shall be submitted to Council's satisfaction;

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- (d) That all units shall achieve a minimum 8sqm balcony with a minimum dimension of 2m accessible from the living room;
  - (e) That the northern elevation bedroom window in Unit 6 shall be reduced in size so that it is a highlight window with a minimum sill height of 1.5m above finished floor level;
  - (f) That a privacy blade screen shall be permanently attached to the eastern perimeter of Unit 6's balcony. The blade wall shall project no less than 2m from the external fence of the northern wall.
  - (g) That a maximum of 7 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.2m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$10,560 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$2400, 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 plans numbered 01 to 04 inclusive, dated 15 April 2002 subject to compliance with conditions of consent;
  - (5) 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 (June 01/02)
Open Space: LGA Works Programme	\$ 3,593
Open Space: New Parks	\$16,338
Accessibility And Transport Management	\$ 108
	\$ 262
Total	\$20,302

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

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

where:

C is the original contribution amount as shown above;  
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and  
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 2001/02.

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 / before the use is commenced or the release of the Occupation Certificate whichever occurs first. (Delete as applicable)

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

#### Part B

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

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

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

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

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

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

Copies of the Section 94 Contributions plan may be inspected at Council's offices presently located at 280 Elizabeth Street, Surry Hills;

- (6) 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 (June 01/02)
Multi-Function Administration Centre	\$5,369

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 being the > Quarter 2001/02 (Amend as applicable)

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

Copies of the Section 94 Contributions plan may be inspected at Council's offices presently located at 280 Elizabeth Street, Surry Hills;

- (7) A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be submitted to the certifying authority with an application for subdivision prior to release of the linen plan;

Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

- (8) That the applicant shall, subject to consent from the relevant property owner, commission dilapidation reports for 36-38, 40, 42 and 44 George Street and 39-47 Renwick Street prior to demolition, excavation or construction. A copy shall be provided to the relevant property owner;
- (9) That the parking spaces shall be allocated on the basis of 6 for residents and 1 for visitors (appropriately line-marked and labelled prior to issuing an Occupation Certificate);
- (10) That the roofs of Units 6 and 8 shall be non-trafficable;
- (11) That the hot water heating system shall have a minimum 3.5 star rating. Details to be provided with the construction certificate;

- (12) That all units shall achieve a 3.5 star NatHERS rating in accordance with the NatHERS certificate issued by Albert Galletta dated 24 April 2002;
- (13) Prior to the issue of a Construction Certificate for above ground works or works not directly ancillary to a remediation process, 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 an s96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required;
- (14) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (15) That the basement car park shall be ventilated in accordance with the Building Code of Australia;
- (16) That activities during demolition, excavation and construction shall not cause "offensive noise" as defined under the Protection of the Environment Operations Act, 1997;
- (17) That the proposed garbage room shall be designed and constructed in accordance with Council's Waste Minimisation Fact Sheets;
- (18) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operation Act, 1997;
- (19) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
  - (a) all proposed and required mechanical ventilation systems:  
STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
  - (b) the garbage room or garbage receptacle storage area:  
STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;

- (20) 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;
- (21) 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 pursuant to the provisions of the following:
- Protection of the Environment Operations Act, 1997  
Protection of the Environment Operations (Waste) Regulation 1996  
Waste Avoidance and Recovery Act 2001  
New South Wales Occupational Health & Safety Act, 2000.  
New South Wales Construction Safety Act, 1912 (Regulation 84A-J Construction.  
Work Involving Asbestos or Asbestos Cement 1983)  
The Occupational Health & Safety Regulation 2001  
The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996;
- (22) 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, load, unload and manoeuvre wholly within the site and not encroach upon public roads;
- (23) That the development must satisfy the requirements in Council's DCP No. 11, Transport Guidelines for Development 1996, including transitions, ramp grades and head heights;
- (24) That the applicant shall ensure that all stormwater connections are perpendicular from the building line to Council's kerb;
- (25) That the applicant shall ensure that the domestic garbage storage area is of sufficient size to accommodate 3 x 240-litre sulo bins for domestic refuse and 2 x 240-litre sulo recycling bins;
- (26) That the applicant shall ensure that all garbage bins shall be presented kerbside in Renwick Street for collection;
- (27) 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 Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of Public Works and Services;

- (28) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the City Works Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a construction certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees. (Warning - to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (29) That prior to the commencement of any work a Road Opening Permit shall be obtained for any excavation or building works on the public way, as required under the provisions of Part 9 Division 3 of the Roads Act, 1993;
- (30) That the owner shall dedicate to the appropriate electricity authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if such is required, the size and location of which is to be in accordance with the requirements of the appropriate electricity authority and the Director of City Environment and so that the opening of any doors of such substation shall not intrude upon the public way;
- (31) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing of an Occupation Certificate;
- (32) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way in accordance with the design requirements of the relevant Australian Standards;
- (33) 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;
- (34) That should the applicant wish to utilize 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-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (35) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of Public Works and Services for the provision of the necessary vehicular footway crossing, and also bear the cost of that crossing. A similar process shall be followed for the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required. The

applicant shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerb, guttering, paving and drainage. Such approval is required under the Roads Act, 1993. The work shall be done by Council unless other arrangements are approved in writing by the Director of Public Works and Services;

- (36) 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 Works Zone;
- (37) That before entering a purchase/ lease/ occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in on-street resident parking schemes. A sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;
- (38) That the applicant shall submit a Vehicle and Pedestrian Traffic Management Plan, for the construction and demolition period, to be approved by Council prior to the release of the Construction Certificate. The Plan shall provide information regarding parking restrictions, emergency access, pedestrian protection, traffic impacts, traffic routes etc;
- (39) That the applicant shall provide off-street parking for construction workers. The location of these spaces should be indicated on the plans submitted with the Construction Certificate;
- (40) 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 crossings and the like;
- (41) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; 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;
- (42) 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;

- (43) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (44) That any connection to Council's stormwater drainage pit and/or stormwater pipeline shall have a positive covenant imposed on the land title. The wording of this covenant shall be in accordance with that provided by Council. (Please contact the Traffic and Design Branch on 9288 5472 for further information).

A separate application for works on the public way related to the connection shall be made to Council pursuant to section 68 of the Local Government Act, 1993. Approval shall be obtained prior to the issue of the Construction Certificate.

The applicant shall be responsible for payment of application fees and the full cost of work, as well as the lodgement of security deposits, public liability insurance and the positive covenant;

- (45) That a detailed landscape plan and specification for the site in accordance with the approved DA landscape plan shall be prepared by a qualified Landscape Architect, be submitted to the Certifying Authority with the application for a Construction Certificate. The Landscape Plan shall nominate:
- (i) Materials and Finishes -Plans, sections and schedules to indicate type, extent, layout, setout, installation requirements of all hardworks and surface finishes (i.e. lighting, walls, paving, furniture, fixtures, fences, disabled access) including the relationship to adjoining finishes in accordance with the approved DA landscape plan. Garden walls and edging are to be masonry or approved material that compliment the architecture and character of the development.
  - (ii) Levels and Drainage- Plans, details and or sections indicating existing and proposed nominal levels, stairs and ramps for disabled access, fall arrows, inlet pits, sub surface drainage, swales or detention points.
  - (iii) Planting Plan- Plan and schedules indicating layout, location, species, size at installation, staking requirements and numbers of each species. Details of ground preparation, soil mix and staking/ tree guards. Mulch to be hardwood chip at 75mm depth. Planting layout and massing shall be in accordance with the approved DA landscape plan. Minimum requirements for planting to be as follows:

Material	Mature Height	Min. Spacing	Min. Size
Trees			75L (2.0m tall)
Shrubs	>3.0m	1/4m <sup>2</sup>	10L

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Shrubs	1.0-3.0m	1/2m <sup>2</sup>	5L
Groundcovers	<1.0m	6/ per m <sup>2</sup>	150mm pot

- (46) That the applicant shall submit a plan to the Certifying Authority to indicate extent of landscape areas on slab / planter boxes and provide details that include a cellular drainage system, water proofing, tanking and flushing tubes in accordance with Council's Landscape Code. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass;
- (47) That the applicant shall provide a fully automatic irrigation system to all landscape areas and turf in common landscape areas. Hosecocks / QCV's installed in private landscape areas are to be at a minimum one per 80m<sup>2</sup> of landscaped area.

The owner /applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities;

- (48) That the applicant shall submit to the Certifying Authority an annual maintenance program for landscape works. A copy is to be supplied to the Body Corporate/ contractor/owner for ongoing maintenance of the site;
- (49) That the Certifying Authority (Council or private) shall arrange for a qualified Landscape Architect to inspect the completed landscape works to certify adherence to the DA conditions and Construction Certificate drawings. Landscape works are to be fully completed prior to the issue of an Occupation Certificate;
- (50) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (51) 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);
- (52) That a garbage /recycling storage facility shall be located within the site at street level in a position approved by Council's Waste Services Manager that can be accessed by a kerbside collection service. Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waste Management - Minimisation Fact Sheets". Details to be submitted with the application for a Construction Certificate;
- (53) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;

- (54) That stormwater drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with AS3500 Part 3 and Code of Standard Requirements for the discharge of stormwater;
- (55) That a certificate shall be submitted at the completion of the proposed drainage system from a registered certifier confirming that all work complies with the approved certified plans;
- (56) That all relevant sections of the BCA shall be complied with;
- (57) 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;
- (58) 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;
- (59) 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;
- (60) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (61) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (62) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (63) That the requirements of the Work Cover Authority shall be complied with;
- (64) 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;

- (65) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (66) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm 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 to 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:-
- (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
  - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of City Works Department;
- (67) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (68) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (69) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (70) That the demolition work shall comply with Australian Standard 2601-1991;
- (71) That if the soil conditions require it:-
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
  - (b) adequate provision must be made for drainage;
- (72) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:-

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an approved manner, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished

(Note) The owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land and in this condition, allotment of land includes a public road and any other public place;

- (73) That if the work involved in the erection or demolition of a building:-
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed to rendered inconvenient; or
  - (b) building involves the enclosure of a public place

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed;

- (74) That the applicant shall note that this application has not been assessed for compliance with the Building Code of Australia;
- (75) That the parapet as shown on the northern, southern and eastern elevations shall be deleted from the plans.

**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;

**NOTE:** That prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and NSW, EPA

'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act, 1997 provides for the commission of an offence for both the waste owner and transporter if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

**NOTE:** The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979, for a breach of a condition, or Protection of the Environment Operations Act, 1997, for a pollution 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 the person(s) who made representations in respect of the proposal be advised of Council's decision.

(DCE Report 23.10.02)

Carried.

**30.**

**GREEN SQUARE – MEMORANDUM OF UNDERSTANDING BETWEEN SOUTH SYDNEY CITY COUNCIL AND SOUTH SYDNEY DEVELOPMENT CORPORATION (2022972)**

That Council endorse the amended Memorandum of Understanding between The Minister for Urban Affairs and Planning, the South Sydney Development Corporation and South Sydney City Council.

(GM Report 13.09.02)

Carried.

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31.

**ANTI-SOCIAL BEHAVIOUR – PROPOSAL TO ESTABLISH SPRUIKERS ACCORD WITH STRIP CLUB OPERATORS IN COLLABORATION WITH KINGS CROSS POLICE (2027260)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Furness:-

That Council resolves that:-

- (1) the Spruikers Accord be trialed for a two month trial period until 1 December 2002;
- (2) the evaluation report be completed by Police and Council.

(DCE Report 16.10.02)

Carried.

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

The Planning and Development Committee Meeting terminated at 9.49 p.m.

The following matters were dealt with in conjunction with the Finance Committee (Confidential Matters). See page No. 1216 and 1217 for decisions.

**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE  
(CONFIDENTIAL MATTERS)**

**WEDNESDAY 16 OCTOBER 2002 AT 9.50 PM**

**PRESENT**

**Councillor Jill Lay (Chairperson)**

**Councillors – John Fowler, Peter Furness, Amanda Lennon and Greg Shaw**

At the commencement of business at 9.50 pm, those present were -

Councillors – Fowler, Furness, Lay, Lennon and Shaw.

In accordance with Section 10D of the Local Government Act, 1993, the Committee to resolve that the press and public be excluded from the meeting of the Planning and Development Committee (Confidential Matters) during consideration of the

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undermentioned items, and further, access to correspondence and reports being withheld in respect of such Items because in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The reason that these Items are Press and Public excluded is in accordance with Section 10A(2)(g) of the Local Government Act, 1993, which states, "advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege".

The Committee **recommends** the following:-

1.

**WARATAH STREET, RUSHCUTTERS BAY – DEMOLITION AND RELOCATION OF EXISTING TENNIS COURT AND CAFE WITHIN RUSHCUTTERS BAY PARK TENNIS CENTRE COMPLEX – DEVELOPMENT APPLICATION (U02-00364)**

That the recommendation as contained in the report by the Director of City Environment dated 1 October 2002, be approved and adopted.

Carried.

2.

**STREETS – PROPOSED CROSS CITY TUNNEL PROJECT – SUPPLEMENTARY E.I.S. – QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2027648)**

That the recommendation as contained in the joint report by the Director of City Environment and the Director of City Works dated 12 September 2002, be approved and adopted.

Carried.

The Planning and Development Committee (Confidential Matters) Meeting terminated at 10.03 p.m.

The Council Meeting terminated at 9.57 p.m.

Confirmed at a meeting of South Sydney City Council  
held on .....2002

**CHAIRPERSON**

**GENERAL MANAGER**

**GENERAL MANAGER**