

316th Meeting

Erskineville Town Hall
Erskineville
484420

Wednesday, 26 March 2003

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.33 pm on Wednesday, 26 March 2003.

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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Confirmation of Minutes

Moved by the Mayor, Councillor Tony Pooley, seconded by Councillor Shaw:-

That the minutes of the Ordinary Meeting of Council of 12 March 2003, be taken as read and confirmed.

Carried.

It was moved by Councillor Harcourt, seconded by Councillor Lay, that the minutes be amended by the addition:-

- (1) on page No. 143, under the heading PLANNING – REDFERN/WATERLOO DRAFT MEMORANDUM OF UNDERSTANDING

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

- (2) On Page No. 171 in respect of Item No. 3 regarding Oxford Street, Nos. 197 – 199, Darlinghurst

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

Carried.

MINUTE BY THE MAYOR

20 March 2003

“A JUST AUSTRALIA” - AUSTRALIANS FOR JUST REFUGEE PROGRAMS (INC) – REQUEST FOR COUNCIL TO BECOME AN ORGANISATIONAL SUPPORTER(2019355)

Australians for Just Refugee Programs (Inc) coordinate a national campaign “A Just Australia” to obtain fair and compassionate treatment of refugees. They have received individual donations from across Australia and fund activities consistent with their goals.

Council has received an invitation to become an Organisational Supporter and to participate in this campaign by being publicly identified as an advocate of their goals.

They are not seeking a financial contribution just our support.

Recommendation:

That South Sydney City Council becomes an Organisational Supporter of "A Just Australia" campaign coordinated by Australians for Just Refugee Programs (Inc).

Councillor Tony Pooley (SGD)
Mayor

Moved by Councillor Harcourt, seconded by Councillor Shaw:-

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

Carried.

It was moved by Councillor Fowler, seconded by Councillor Bush, that the motion be amended by the deletion of the whole of the resolution and that the matter be deferred to the next Finance Committee Meeting for consideration of the application for support by the organisation.

Motion, as amended by Councillor Fowler, carried.

MINUTE BY THE MAYOR

26 March 2003

**ALEXANDRIA PARK COMMUNITY SCHOOL –
REQUEST FOR FREE USE OF ALEXANDRIA TOWN HALL (P56-00410)**

I have received a request from the Principal of Alexandria Park Community School for the free use of Alexandria Town Hall on Wednesday, 9 April 2003, for the purpose of holding a conference.

The conference will be attended by approximately seventy Senior Campus students, teachers and community members and the Alexandria Town Hall is available for this event.

Recommendation:

That approval be given to the Alexandria Park Community School for the free use of Alexandria Town Hall for their conference on Wednesday, 9 April 2003.

Councillor Tony Pooley (SGD)
Mayor

Moved by Councillor Harcourt, seconded by Councillor Shaw:-

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

Carried.

PETITIONS

1.

Councillor Lennon tabled a petition with approximately 16 signatures appended, objecting to the proposed development at St. John's Church, Victoria Street, Darlinghurst.

Received.

2.

Councillor Fowler tabled a petition with approximately 12 signatures appended from residents of Paddington, objecting to the business operating at No.1 Oxford Street, Paddington.

Received.

QUESTION ON NOTICE

1.

PARRAMATTA ROAD, NO. 82, CAMPERDOWN – ALTERATIONS AND ADDITIONS TO BROTHEL (U01-00186)

By Councillor Fowler.

It appears that the brothel has extended its activities and now includes what was to be the retail unit facing Parramatta Road. This is not what was approved by Council.

Can I have a report in relation to this matter?

Reply by the Mayor

Yes and I will ask the Director of City Environment to inform the Council of the current situation.

The Director of City Environment advised the Council that an Officer of the City Environment Department is currently investigating the matter and a report will be circulated in the CIS, when the investigations are completed.

QUESTIONS WITHOUT NOTICE

1.

DEVELOPMENT – OXFORD STREET, NO. 1, PADDINGTON – POSSIBLE BREACHES OF CONSENT - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (U02-00247)**Question:**

Could a report come to Council in relation to the Development Application U02-00247 in relation to any breaches of consent and any action taken by Council and could a response go to the Rose Terrace Society?

Answer by the Mayor:

Yes is the short answer, Councillor, however, today I received a report from the Director of City Environment, but I have not had a chance to read it. I believe a report will be forthcoming on the short term in issues associated with Rose Terrace.

2.

DEVELOPMENT – DARLINGHURST ROAD, NO. 120, DARLINGHURST – REQUEST TO PLACE LETTERS OF OBJECTION ON FILE - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (U03-00137)**Question:**

Could I request that letters of objection in relation to St. John's be placed on the file?

Answer by the Mayor:

Happy to do that.

3.

COUNCILLORS – COUNCILLORS CODE OF PRACTICE – COUNCILLOR PUBLICATION - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (A54-00013)**Question:**

I would like to direct a question to Councillor Bush in relation to a brochure called the Grassroots results for Heffron. Could you advise Council when you took up duty as a mediation Councillor on local planning and government conflict issues and you have been an active campaigner for improved Aboriginal Public Housing?

Answer by Councillor Bush:

I relish that Councillor Shaw. It is not often I get a chance to give myself an advertisement. I have a post-graduate diploma in conflict resolution. A particular topic I studied was local government and anytime you would like to be enlightened over my activities or the activities, of the Land Council around N.S.W. and the way they are developing Aboriginal Housing and the benefits to Aboriginal Housing, you are more than welcome to sit down with me and go over those projects.

4.

PROPERTIES – KING STREET, NOS. 69 – 77, NEWTOWN – PRESERVATION OF BUILDING (“TROCADERO”) - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2008656)**Question:**

Writing in the Sunday Telegraph of 16 March 2003 (page 144) Mr. Leo Schofield reflected on the shameful neglect of the Trocadero in King Street, Newtown. He refers to and I quote “ is owned by Moore Theological College – that is, the Anglican church – whose property executives have scandalously refused to sell it and refused to spend a cent on it repair.” He goes on to refer to a Council’s ability to compulsorily acquire such buildings.

Whilst I do not believe that compulsory acquisition is within our current abilities. Could I have a report from the relevant sections of Council as to what avenues are open to Council to ensure that this building is not left to continue to slowly but surely fall down?

Answer by the Mayor:

Happy to refer that question to the Director of City Environment.

5.

PLANNING – DCP REVIEW – BEST PRACTICE STANDARDS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2023581)**Question:**

As part of the DCP Review, could Officers ensure that the plan requires that new developments, including commercial and substantially renovated properties demonstrate best practice standards in the cross-ventilation of individual units, etc? I believe that the Institute of Architects has identified a percentage figure of units for residential properties.

Could I be advised of any particular best practice standards and could we start to obtain and consider this information when reporting Development Applications to Council prior to the DCP being amended?

Answer by the Mayor:

I will refer those matters to the Director of City Environment.

6.

COUNCILLORS – CODE OF PRACTICE – RESIDENTIAL ADDRESS OF COUNCILLOR FOWLER - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (A54-00013)**Question:**

- (A) Could Councillor Fowler advise whether he has advised the General Manager of his change of address?
- (B) Did Councillor Fowler request that his business papers, etc, be directed to his new address?

Answer by Councillor Fowler:

- (A) I can still be contacted by my e-mail address which does take most of my correspondence. No I haven't informed as yet, because I am about to relocate to another address.
- (B) I go to the address the General Manager knows I am a resident, however, I am not often a resident there. There is someone who is a resident at that address who can take the papers for me.

7.

PROPERTIES – NORTH WARD COMMUNITY FACILITIES – REQUEST FOR A MEETING TO DISCUSS FACILITIES EFFECTED BY TRANSFER - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2012353)**Question:**

Could a meeting be arranged with the North Ward Councillors and interested C.B.D. Councillors, plus both General Managers, to discuss the Woolworths Building at Kings Cross, library and community facilities as soon as possible?

Answer by the Mayor:

I will pass that request on to the City directly and advise you of their response.

8.

PROPERTY FILE – BAYSWATER ROAD, NO. 44B – ENFORCEMENT OF SEPP 10 POLICY - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2001663)

Question:

Could we write to Andrew Refshauge and the Premier's Department and ask that they help us enforce the SEPP 10 Policy in regards to No. 44B Bayswater Road?

Answer by the Mayor:

I will get some advice and if appropriate, I will write to the Deputy Premier. If not, I will share that advice with you and explain why.

9.

LEGAL – MOTION ON G.A.T.S. FOR LOCAL COUNCILS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2028820)

Question:

Could the Mayor write to the Minister for Trade in relation to the motion which is raised in this document on the G.A.T.S. negotiations?

Answer by the Mayor:

I am happy to do that.

10.

STREETS – REQUEST TO REPLACE SEAT, CORNER OF HIGH HOLBORN AND LANSDOWNE STREETS, SURRY HILLS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2026201)

Question:

Could Council Officers investigate the possibility of replacing the public seat which was located at the corner of High Holborn and Lansdowne Streets, Surry Hills? Residents of Northcott, some are very fragile, now have to walk uphill to the bus stops on Cleveland Street and Baptist Street, because the 301 bus no longer runs along Riley Street to Northcott. They are finding this walk difficult without a resting place on the corner.

Answer by the Mayor:

I am sure Mr Wilcoxon has noted that and have our Officers follow it up as soon as we can.

11.

**COUNCILLORS – CODE OF PRACTICE – USE OF COUNCIL RESOURCES
- QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (A54-00013)****Question:**

Mr Mayor, has the resources of your office or the database from your office been used to provide the ALP candidate for Bligh with assistance for her fundraising function with the Honourable Neville Wran?

Answer by the Mayor:

The answer is no, the address was secured from the A.R.N.

12.

**DEVELOPMENT – KIRKETON ROAD, NO. 13, DARLINGHURST – SAFETY
CONCERNS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON
(U00-00832)****Question:**

The development on the corner of William Street and Kirketon Road, Kings Cross, is completely glass and you can see straight into the bathrooms. There is concern about the paved area around the site. Could we have Council Inspectors attend the site and rectify the situation as soon as possible?

Answer by the Mayor:

I will refer that question to both the Director of City Environment and the Director of City Works.

13.

**ADMINISTRATION – REQUEST FOR COUNSELLING TO EMPLOYEES
AFFECTED BY TRANSFER – REQUEST FOR FAREWELL TO
EMPLOYEES INVOLVED IN TRANSFER - QUESTION WITHOUT NOTICE
BY COUNCILLOR BUSH (2028479)****Question:**

Is there a review process and/or counselling available to employees affected by their transfer to the City Council, if not can this be implemented as a matter of urgency? There are no funds available for the social club to organise a farewell for the many dedicated staff. Could the Council recognise the years of service for those employees affected by the transfer?

Answer by the Mayor:

I have sympathy for the social function, because of the complex nature of your question, I will ask the General Manager to respond.

Answer by the General Manager:

The review will be through the Minister. The Minister has to make the determination. We can only make recommendations. Secondly, we have an Employees Assistance Program and that has been made available to all affected Officers.

14.

COUNCILLORS – CODE OF PRACTICE – USE OF SOUTH SYDNEY LEAGUES CLUB LOGO BY ALP - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (A54-00013)**Question:**

In the election on the weekend, the ALP used the South Sydney Rugby League Club's logo on all their advertisements. Checking with the placement of the ads and the printing of an endorsement letter from Mr George Piggins for the ALP candidate was prior to the ALP Councillors voting on the lease and license for Redfern Oval at which there was no declaration of interest.

Could this be taken up as a matter of urgency by the General Manager?

Answer by the Mayor:

No, it cannot be taken up as a matter of urgency by the General Manager. No Labor Councillor on this Council was aware of the fact that the letters were going out.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

19 March 2003

PRESENT**Councillor Jill Lay (Chairperson)****Councillors – John Fowler, Peter Furness, Amanda Lennon, Greg Shaw**

At the commencement of business at 6.35 pm, those present were -

Councillors – Fowler, Furness, Lay, Lennon and Shaw

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

That the Report of the Planning and Development Committee of its meeting of 19 March 2003, be received and the recommendations set out below for Items 1, 3, 4, 6 and 7, be adopted. The recommendations for Items 2 and 5 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

MACKEY STREET, NO.48, SURRY HILLS - GRAFFITI ART WORK TO SIDE WALL OF DWELLING (U02-01118)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of City Environment dated 19 March 2003.

Carried.

2.

HUNTLEY STREET, NO.6A, ALEXANDRIA – A MASTER PLAN PROPOSAL FOR THE REDEVELOPMENT OF THE SHEAS CREEK WOOLSHEDS SITE (2024849)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Shaw:-

- (A) That Council endorse the Master Plan "Option A" submitted by the NSW Department of Public Works and Services to redevelop the former Sheas Creek Woolshed site subject to the following conditions:-

Heritage and Conservation

- (1) Delete the following wording from page 41 of the Master Plan:

"Council to be responsible for the erection of interpretation signage and artwork at the north end, with text and photographic material to communicate the history of the site".

-and instead replace with the following:

"An Interpretation Strategy, that applies to the whole site, is to be prepared by a suitably qualified and experienced heritage

practitioner, giving details of displays, signage and the like and shall be submitted to Council for endorsement with any development application for the redevelopment of the site”;

- (2) The interpretation of the site is to be in accordance with the above-mentioned Interpretation Strategy, following its endorsement by both Council and the NSW Heritage Office. It is to include detail and location of proposed interpretative displays to illustrate the history, development and significance of the site and is to be prepared by a suitably qualified heritage practitioner. As such interpretative displays are to be erected in publicly accessible locations. The strategy shall be submitted prior to any relevant development consent being issued;
- (3) That an archival photographic record of the site is to be prepared in accordance with the NSW Heritage Office guidelines and submitted to Council, prior the commencement of demolition works;
- (4) A Statement of Heritage Impact, in accordance with the NSW Heritage Office Guidelines, will be required to accompany any future Development Application for the site;
- (5) An archaeological assessment is to be carried out in accordance with the NSW Heritage Office Guidelines and submitted to Council and the NSW Heritage Office for endorsement prior to the commencement of works on the site, including demolition and / or remediation;

Accordingly, an application to the NSW Heritage Office for an Excavation Permit is required prior to any commencement of work on the site;

- (6) Provision shall be made for on-going monitoring and recording of archaeological features during the course of any excavation associated with the redevelopment of the site. A management plan identifying how this will be achieved shall be submitted as part of any future Development Application;
- (7) With any approval for demolition of the woolsheds:
 - (a) The timber material within the structures are to be carefully dismantled and all sound timber is to be retained and reused in any repairs and cladding of the remaining sheds.
 - (b) Timber elements, period lighting brackets and any other salvageable materials not utilised in the remaining woolsheds are where possible to be used in any new development work associated with the site and the Alexandra Canal public areas.

- (c) The dismantling of woolsheds is to be undertaken by contractors experienced with timber and the careful dismantling of timber structures.
 - (d) The dismantled materials are to be stacked and sorted in an appropriate covered secure space on site until utilised in the new development works, which is to include re-cladding of any remaining woolsheds.; All works associated with the demolition of the sheds, and restoration and adaptive reuse of the retained sheds are to be supervised by a suitably qualified and experienced heritage practitioner and shall be engaged by the applicant. Furthermore, all works are to be consistent with the Conservation Management Plan prepared for the site;
- (8) Delete the reference to 'heritage bonuses' on page 50 of the Master Plan;

Land Dedication in relation to Section 94 Contributions

- (9) When the 10m wide strip of land, abutting the canal, is dedicated to Council free of charge, the developer shall be entitled to an exemption under the provisions of Council's Section 94 Contribution Plan only in relation to contributions required for new parks;

Geo-technical Requirements

- (10) The western boundary of the site is closely aligned with the stone retaining wall to Alexandra Canal. Accordingly, a separate assessment of the structural integrity of the wall in relation to any excavation, soil compaction or filling will need to be undertaken in order to minimise additional surging on the wall. Where the assessment indicates a potential compromise of the structural integrity of the wall the proposed mitigating measures must be supplied to Sydney Water, Council and the NSW Heritage Office for endorsement;
- (11) Where additional filling is required, clean fill is to be used;
- (12) Fill should be placed on the site under engineering supervision, so that the quality of the material could be checked with respect to an appropriate specification, layer thicknesses controlled and compaction level checked again in relation to specification requirements;
- (13) Inspection and additional testing of existing subgrade areas should be undertaken prior to the placement of fill, so that any treatment of suspect weak or compressible materials could be undertaken prior to the commencement of filling operations,

thereby avoiding potential problems with respect to compaction of the imported materials;

Land Contamination

- (14) Any applications for development consent pursuant to the Environmental Planning and Assessment Act 1979 (including applications for subdivisions) will be subject to the provisions of State Environmental Planning Policy No. 55. In this regard, development applications shall be accompanied by sufficient information to enable Council to make planning decisions. Attention is directed to the provisions of the Environmental Planning and Assessment Act 1979, relevant statutory planning instruments, Planning NSW's guidelines for managing land contamination and South Sydney City Council's Development Control Plan for Contaminated Land and the Contaminated Land Management Act 1997;
- (15) Should the environmental audit reveal that the land is contaminated the land must be remediated in accordance with the provisions of State Environmental Planning Policy No. 55 prior to subdivision, dedication or redevelopment. In this regard, attention is directed to the provisions of the Environment Planning and Assessment Act 1979, relevant statutory planning instruments, Planning NSW's guidelines for managing land contamination, South Sydney City Council's Development Control Plan for Contaminated Land, and the Contaminated Land Management Act 1997;
- (16) Any applications for development consent pursuant to the Environmental Planning and Assessment Act 1979 (including applications for subdivision) shall be accompanied with a recent hazardous material assessment report prepared by a suitably qualified and experience professional. The report shall contain appropriate details on how any identified hazardous materials are proposed to be managed during any demolition or construction activities, and in the long term occupation of the building(s);
- (17) A 'Removal of Hazardous Materials' Plan of Management must be lodged in support of any development application for demolition;

Equitable Access

- (18) That all publicly accessible elements and communal spaces of the proposed development should be accessible and designed and constructed in accordance with Council's Equitable Access Design Policy and AS 2890,1 and AS 1428.2;

Through Site Links

- (19) That any future through site links shall be designed in accord with the following principles:
- (a) Have a minimum width of 4 metres;
 - (b) Designed in accordance with Crime Prevention Through Environmental Design principles (ie clear sight lines), with particular regard to lighting and landscaping;
 - (c) Directly link and integrate with the existing street network or cycle way;
 - (d) Be boarded by active uses that provide passive / active surveillance;

Stormwater Management & Drainage

- (20) The following stormwater drainage controls are shall be incorporated into any new development on the Sheas Creek Woolsheds site:
- (a) All stormwater run-off from the site shall be directed through gross pollutant trap devices sized to capture 95% of gross pollutants and 95% of free oils and grease in the treatable storm, being the critical duration 1 in 3 month ARI storm event, prior to discharging to the canal;
 - (b) All stormwater run-off from the site shall be treated through a secondary / tertiary treatment system prior to discharging to the canal;
 - (c) All car park hard-stand areas are to be drained to vegetated buffer areas and treated on-site;
 - (d) All development is to maximise the capture and reuse of stormwater to reduce the consumption of potable water. All landscape irrigation, car washing and water feature systems are to be principally based on the reuse of stormwater, while all developments are to provide stormwater reuse toilet flushing systems where appropriate;
 - (e) All activities including all liquid and solid waste collection and storage areas, garbage areas, fuel storage, wash down areas that could cause pollution to the waterways shall be bunded and under cover;
- (21) That a stormwater infrastructure report and plans shall be submitted with any development application for the construction of new buildings, detailing roof drainage, surface drainage, stormwater re-use and on-site detention systems and internal emergency overland flow paths. The submission shall be in

accordance with Council's Development Control Plan, Part E: Environmental Design Criteria, the Sheas Creek Sub-Catchment Report (draft 2001) and the Alexandra Canal Master Plan (2001);

- (22) The Stormwater Drainage and Management Plan shall include a section detailing the designs and locations of the final and temporary wetlands (taking into consideration the recommendations within the Assessment of Wetland Area Report). This section should also address timing issues and public safety issues. It is critical that the temporary wetland is established 2 months prior to the destruction of the existing wetland and the final wetland to be constructed and allowed to establish before the temporary wetland is removed. The timing of these stages should be given careful consideration and described explicitly in the Stormwater Drainage and Management Plan.
- (23) Any future redevelopment of the site is to be consistent with the 'Water Development Control Plan' contained within the Alexandra Canal Master Plan;

Soil and Water Management

- (24) That a soil and water management plan shall be submitted with any future development applications for the site. The plan shall identify measures to minimise pollution due to demolition and construction activities and shall be in accordance with the '*Urban Erosion and Sediment Control Field Guide*' produced by the Department of Land and Water Conservation;

Flood Management

- (25) The following controls are shall apply to any new development on the Sheas Creek Woolshed site to ensure that the future use of the site is flood compatible:
- (a) Floor levels of habitable rooms shall be a minimum of 0.5m above the maximum 1 in 100 year flood level subject to more detailed flood studies being undertaken and submitted to Council in support of any development application for the site;
 - (b) Car park entry levels shall be protected by a minimum 0.3m apex above the maximum 1 in 100 year flood level;
 - (c) Flood free access shall be provided where practicable;
 - (d) Any publicly accessible areas provided within developments, such areas shall be a minimum of 0.3m above the 1 in 100 year flood level;

- (e) All electrical installations are to be to the standard of the relevant electrical authority for areas subject to flooding; and
 - (f) Road corridors and open space areas must be strategically linked to provide a continuous, unimpeded overland flow network around and through developments.
- (26) To adequately address the issue of flood compatible development any future development application shall provide a detailed flood study and assessment report, undertaken by an appropriately qualified civil engineer, in support of that application. The report must provide sufficient details to establish that the engineer has:
- (a) Comprehensively addressed any potential flood risk to life, health and safety and property;
 - (b) Determined whether the carrying out of the proposed subdivision and any associated site works would adversely impede the flow of floodwater on the land in its immediate vicinity;
 - (c) Determined applicable minimum habitable floor levels and basement car park entry levels;
 - (d) Determined the extend of overland flow affectation, its depth and velocity, and the manner in which it is passed through the site;
 - (e) Determined the location of flood-ways, their engineering design criteria and recommended safety limits;
 - (f) Demonstrated that any portion of the building or structure below the minimum floor level will be constructed from flood compatible materials;
 - (g) Demonstrated that the development is sited in the optimum position to avoid floodwaters and allow evacuation;
 - (h) Demonstrated that any building or structure can withstand the force of design floodwaters, including debris and buoyancy forces as deemed appropriate; and
 - (i) Demonstrated that permanent, fail-safe measures will be incorporated in the development, ensuring the timely orderly and safe evacuation of the people from flood affected areas in the event of a design flood or greater occurring (including a determination of the flood warning time);

Service and Access Requirements

- (27) Energy Australia, on behalf of Transgrid, require clear and unobstructed access to the Cable Bridge. Any future redevelopment of the site will require the concurrence of Energy Australia and evidence of this agreement submitted with any application for the redevelopment of the site;
- (28) That any future development application for the site is referred to Sydney Water for consultation in relation to:
 - (a) Public safety and liability regarding the increased risk to the public as a result of increased access to a contaminated water body;
 - (b) Applying for a Section 73 Certificate;
 - (c) Access to their land and service easements;
 - (d) The structural integrity of the canal wall and the potential compromise of the wall as a result of fill, demolition, construction works or landscaping;

Wetland Recreation

- (29) The Wetland is to be reconstructed in accordance with the design specifications detailed in:
 - (a) The 'Constructed Wetlands Manual 1998', produced by the Department of Land and Water Conservation;
 - (b) Vegetation Assessment: Sheas Creek by Mark Beharrell of Storm Consulting; and
 - (c) Assessment of Wetland Areas ~ Sheas Creek Woolsheds, Alexandra Canal by Arthur White of Biosphere Environmental Consultants;
- (30) Two months before the original wetland is destroyed a temporary wetland shall be constructed nearby that is planted with mature, tall reeds with water levels maintained;
- (31) The wetland is to have unobstructed solar access from the eastern and northern aspects;
- (32) The water supply to the wetlands shall be augmented by stored stormwater;
- (33) The Master Plan delete the following wording under 'Section 5.2.5 Public Domain':

“an increase in height control limitations and heritage bonuses”;

Transport Management

- (34) The upgrade of the Huntley Street and private road intersection, if required, will be at the cost of the developer and shall provide full pedestrian signal phases on each of the three legs of the crossing;
- (35) The future redevelopment of this site shall comply with the bicycle parking provisions contained in South Sydney *‘Development Control Plan 11 ~ Transport Guidelines for Development’*;
- (36) That the proposed relaxation of the parking provisions to 1 space per 80m² GFA for office and commercial and offices ancillary to Industries/ Warehouses will only be permitted on the basis that all excess parking will be calculated as floor space;
- (37) That any redevelopment of the site makes allowance for an east-west bicycle route connection from Doody Street as identified in the South Sydney Bike Plan;

Safety and Security

- (38) A crime risk assessment applying the key principles from the Crime Prevention and the Assessment of Development Applications guidelines (DUAP 2001) should be detailed and submitted to Council with any future development application applying to the site;

Further Negotiations

- (39) Prior to the redevelopment of the site, the developer shall consult with Council, South Sydney Development Corporation, Sydney Water and the Department of Land and Water Conservation in relation to:
 - (a) The future uses of the retained Woolsheds; and
 - (b) The location of the reconstructed Wetlands.
- (B) Advise the applicant that Council endorsement of the Master Plan, dated May 2002, does not imply nor provide development consent for any development.
- (C) That Council advise the people who made representation in respect of the matter.

- (D) That Council shall provide public notice of this decision in the local newspaper.

Carried.

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

3.

BELMONT STREET, NOS. 301-303, ALEXANDRIA – DEMOLITION OF THE EXISTING STRUCTURES AND ERECTION OF A RESIDENTIAL APARTMENT BUILDING CONTAINING 5 UNITS AND CAR PARKING (U01-01321)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of City Environment dated 19 March 2003.

Carried.

4.

RILEY STREET, NOS. 332-338 (FORRESTERS HOTEL) – TO EXTEND SUNDAY TRADING HOURS FROM 10.00 PM UNTIL 12 MIDNIGHT – DEVELOPMENT APPLICATION (U02-00833)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of City Environment dated 9 March 2003.

Carried.

5.

AMELIA STREET, NOS. 18- 22, WATERLOO - MIXED USE DEVELOPMENT COMPRISING 39 RESIDENTIAL UNITS AND 205 SQM OF NON-RESIDENTIAL SPACE (U01-00830)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A1) That pursuant to the provision of Section 80 (3) of the Environmental Planning and Assessment Act, 1979, Council grants its deferred commencement consent to the development application submitted by City Plan Services, with the authority of Amelia 1822 Pty Ltd, to demolish existing buildings and erect a seven storey mixed use building, at 18-22 Amelia Street, Waterloo, subject to completion of the following, namely:-
- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be approved in writing by the Executive Manager – Assessments:-
 - (a) To qualify for a floor space bonus in accordance with South Sydney Development Control Plan 1997 – Urban Design, the owner shall design, construct and meet all costs associated with public domain works with the development, as outlined in the Deed of Agreement to be prepared in consultation with Council’s Public Works Approvals Manager, and to the value of \$546, 720;
 - (b) A construction management plan that outlines the manner in which demolition and construction works shall be controlled and managed. Details shall include construction methods and an action plan for risks, safeguards and contingencies.
- (A2) The applicant must satisfy to the Council evidence sufficient to enable it to be satisfied of the matters in Part A1 within (12) months or such further period as Council may determine is appropriate upon application in writing being made to Council.
- (B) Upon compliance with the requirements of Part A1, a full staged development consent in accordance with Section 80(4) of the Environmental Planning & Assessment Act, 1979 be issued subject to the following:
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$26,200 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 \$11,880, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

(3a) That the staged development be carried out in accordance with Plan Nos.A01-A017 as amended by A02.C subject to the following conditions;

(3b). That the staging of development be carried out in accordance with the Royal Sans Group letter dated 24 March 2003 particularly in relation to:

Stage 1: Demolition within one (1) year from the endorsed date of this consent;

Stage 2: Construction of lower ground and ground floor (non-residential) within two (2) years from the endorsed date of this consent; and

Stage 3: Construction of levels 1 to 6 within three (3) years from the endorsed date of this consent.

(4) Stage 1 – S94 – Contributions

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	\$375
Open Space/Green Square	\$10,055
Accessibility And Transport	\$11
Road Infrastructure/Green Square	\$8,669
Community Facilities/Green Square	\$1,307
Management	\$46
Total	\$20,463

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 – December 02/03.

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;

(5) **AFFORDABLE HOUSING CONTRIBUTION**
(contribution in cash)

(i) In accordance with Clause 27Q of Local Environmental Plan 1998 (Amendment No.6) - Green Square, and before issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of PlanningNSW 20 Lee Street, Sydney or a bank guarantee in favour of PlanningNSW to the value of the required contribution has been lodged. The contribution shall be \$154,285.95 based on the in lieu monetary contribution rate for non-residential development at \$27.30 per square metre of total floor area 205 square metres and \$81.90 per sqm of residential development (1815.5m²). Contributions may be indexed in accordance with the formula set out below.

(ii) Before the issue of an Occupation Certificate under the Environmental Planning and Assessment Act, 1979, the applicant must provide evidence that the bank guarantee referred to in (i) above has been redeemed as payment of this contribution. If the contribution is paid after 1 March of the year in which the consent is granted, the amount of the contribution will be indexed in accordance with the formula set out below.

NOTES:

. If any GST is liable for the affordable housing contribution(s), such GST component must be paid by the applicant.

. Form A - Bank Guarantees must be lodged with the Housing Market Team, PlanningNSW 20 Lee Street, Sydney. All Form's B & C – Bank Cheques to be lodged with cashier at PlanningNSW.

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

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

C is the original contribution amount as shown above;
 HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
 HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of the consent being the 1 March 2002;

(6) Stage 2

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	\$18,015
Open Space/Green Square	\$181,988
Accessibility And Transport	\$536
Road Infrastructure/Green Square	\$157,644
Community Facilities/Green Square	\$23,656
Management	\$1,298
Total	\$383,137

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.

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 – December 02/03.

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;

(7) Stage 2

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

Contribution Category	Amount
Multi-Function Administration Centre	\$26,914

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 December 02/03 (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.

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 roller shutter door shown on drawing A02.C shall be relocated to a position 1m west of the western edge of car spaces No's 1 and 37;
- (9) That, the operation of the loading dock shall be controlled in accordance with the Loading Dock Management Plan as submitted by the Royal Sans Group by letter dated 14th October, 2002;
- (10) Conditions as determined previously follow. Alterations / additions are shown in *italic*. Removals are marked by strikethrough.
- (a) That a maximum of 56 off-street car parking spaces shall be provided. Each space (except for disabled spaces) shall be a minimum of 2.5m x 5.5m with a minimum headroom of 2.2m, unless stated otherwise within these conditions.
- (b) That, of the 56 off-street car parking spaces provided, the spaces shall be allocated on the basis of:
- 37 residential spaces
 - 7 residential visitor spaces;
 - 12 retail spaces; and
- (c) That each of the 4 spaces provided for the exclusive use of people with disabilities be dimensioned and marked in accordance with AS 2890.1 Section 2.4.5 and AS 1428.1, with a minimum headroom of 2.5m.
- (d) That the carpark shall meet the requirements of AS 2890 Parking Facilities – Part 1:Off-Street Car Parking and South Sydney DCP No.11 – Transport Guidelines for Development.
- (e) That pedestrian movements across the access driveways for the loading dock entry/exit and the car park entry / exits in Amelia Street and Taylor Street require better attention with respect to pedestrian safety. Provisions should include the installation of concave mirrors on walls inside the building line to give motorists a better view of approaching pedestrians, and installation of electronic signals triggered by vehicles, accompanied with appropriate signage, to warn pedestrians/drivers of approaching traffic. A suitable system would be a green and red walk signal, triggered to red by an approaching vehicle with signage instructing the pedestrian to await for passing vehicle upon red signal.

- (f) That directional signage be installed at the residential occupant car park entrance off Amelia Street, indicating that the entrance is for residents only, and that all visitors should use the Taylor Street entrance.
- (g) That directional signage be installed to identify the loading dock, and the maximum size vehicle to use the loading dock.
- (h) That a total of 20 off-street bicycle parking spaces shall be provided.
- (i) That of the 20 off-street bicycle spaces provided, the spaces shall be allocated on the basis of:
 - 13 residential occupant bicycle parking spaces, to be provided on lower ground floor;
 - 4 residential visitor bicycle parking spaces, to be provided on upper ground floor; and
 - 3 retail, occupant bicycle parking spaces, to be provided on upper ground floor.
- (j) That, of the bicycle parking spaces provided, at least 50% of all residential occupant bicycle parking should be Class 1 as specified in AS 2890.3 Bicycle Parking Facilities. Other areas should be minimum Class 3.
- (k) That a low clearance sign including the loading dock entry clearance be provided in conjunction with an appropriate warning device such as a flexible striker bar at the loading dock entrance where vehicles first enter undercover or encounter an overhead obstruction.
- (l) That, where clearance is 3m or less, a low clearance sign be used for the basement carpark entrance where vehicles first enter undercover or encounter an overhead obstruction.
- (m) That, where clearance is 2.3m or less, a low clearance sign be used in conjunction with an appropriate warning device such as a flexible striker bar for the basement carpark entrance where vehicles first enter undercover or encounter an overhead obstruction.
- (n) That the intended path for pedestrians through the parking facility (after parking a vehicle through to the entry point of a development facility) be clearly identified. The minimum requirement for identification of pedestrian paths is appropriate signage (refer AS 2890.1 4.3.3(a)), and

linemarking. A detailed pedestrian management plan, including all linemarking and signage required, shall be provided with the application for a construction certificate.

- (o) That the applicant will produce a transport access guide, identifying how to travel to the site by public transport, walking and cycling, and include this guide with real estate advertising.
- (11) That a sign, legible from the street, shall be permanently displayed to indicate the availability of visitor parking, and visitor parking shall be clearly marked as such prior to occupation;
- (12) That the visitor spaces shall be conveniently located and accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 7m clear of the kerb line, wired to all units (prior to issuing an Occupation Certificate);
- (13) That all loading and unloading operations shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units);
- (14) That at all times the loading docks, car parking spaces and access driveways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
- (15) That at no time shall the premises be serviced by articulated vehicles or vehicles bearing containers;
- (16) That the size of trucks servicing the premises shall be a maximum length of 11.0m;
- (17) That all vehicles shall always be driven onto and off the site in a forward direction;
- (18) That appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress, compelling vehicles to stop before proceeding onto the public way;
- (19) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way to the lift lobby in accordance with the design requirements of the relevant Australian Standards;
- (20) The public domain footway shall be AC5 as per Council's Streetscape Masterplan;
- (21) The Street trees shall be planted in accordance with planting details in Council's Streetscape Masterplan. The tree proposed

on the corner of Taylor St and Murray St is inappropriate and shall be relocated in accordance with the 10m spacing.

Species are as follows;

Amelia Street *Eucalyptus sideroxylon* (*Pink Flowering Ironbark*)

Murray Street *Lophostemon confertus* (*Brushbox*)

Taylor Street *Lophostemon confertus* (*Brushbox*)

- (22) Play equipment, sofffall and perimeter fencing shall meet necessary Australian Standards and safety requirements. Toxic plants shall not be used near the playground. Seating for supervised viewing shall be provided;
- (23) 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;

- (24) Construction details of water feature(s) and pergola(s) shall be provided at the construction certificate stage;
- (25) 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 ²	10L
Shrubs	1.0-3.0m	1/2m ²	5L
Groundcovers	<1.0m	6/ per m ²	150mm pot

(26) 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;

(27) 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 80m² of landscaped area.

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

(28) 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;

(29) 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;

(30) It is important that the following standard condition be included:

(a) 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;

- (31) That the details design and construction documentation for the proposed trapped gully pit and stormwater drainage pipeline in Amelia Street comply with the requirements of Council's Development Specification for Civil Works and Streetscape Masterplan. All detail design and construction documentation shall be submitted to Council for construction approval and shall be subject to Council's standard conditions and inspection requirements;
- (32) That the construction of public domain works provided under the floor space bonus mechanism shall not commence until the applicant has had construction plans and specification approved by Council and at least two Council. All works on Council property shall be constructed strictly in accordance with the approved plans, standard conditions and inspection requirements;
- (33) That all works on Council property shall be fully completed prior to the release of the occupancy certificate;
- (34) That the applicant shall accept full responsibility for consulting with public utility authorities and shall pay all costs associated with any alterations or adjustments to mains and services;
- (35) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (36) 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 agreed to by Council. 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;
- (37) That the applicant shall dedicate for road widening purposes, free of cost of Council, the following:
 - (a) A 2 metre by 2 metre splay at the intersection of Amelia Street and Murray Street as widened;
 - (b) A 2 metre by 2 metre splay at the intersection of Taylor Street and Murray Street as widened;

The dedicated shall be detailed in a plan of subdivision/consolidation of the land, and registered at the Land Titles Office prior to the issue of the Occupation Certificate.

- (38) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee of \$380 for the stormwater connection to Council's system and no work shall be commenced until the fee is paid;
- (39) That the pavement wells/ cellar openings in the footpath fronting the site shall be bricked up along the street alignment, the voids back-filled and the footpath reinstated in accordance with the requirements of Council's Development Specifications for Civil Works. The applicant must obtain a Road Opening Permit from Council's One Stop shop and meet the full cost of Council's restoration of the footpath. Satisfactory compliance with this condition is considered to imply satisfactory compliance with Part 9 Division 3, Roads Act 1993 (approval for road-work);
- (40) 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;
- (41) 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;
- (42) 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;
- (43) That details of providing and maintaining an overland flowpath shall be approved by the Director of City Works prior to the approval of the construction certificate;
- (44) That the applicant shall dedicate for road purposes, free of cost to Council,
 - (a) a 0.4m widening along the site frontage to Amelia Street,
 - (b) a 1.4m widening along the site frontage to Taylor Street and,
 - (c) a 2.4m widening along the site frontage to Murray Street

to be detailed in a plan of subdivision/consolidation of the land, to be registered at the Land Titles Office prior to issuing an Occupation Certificate;

- (45) That the applicant shall ensure that the garbage storage area is of sufficient size to accommodate a minimum of either 1 x 1.5m³ bins or 10 x 240-litre sulo bins for domestic refuse and 7 x 240-litre sulo recycling bins;
- (46) That the applicant shall ensure that the garbage is collected kerbside in Taylor Street;
- (47) That the entrance to the garbage storage area is fitted with a council compatible-locking device;
- (48) That the applicant shall ensure that a driveway is constructed at the entrance to the storage area to allow safe transport of bins;
- (49) That the applicant shall ensure that a separate commercial garbage storage area be provided for and constructed in accordance with Council's guidelines;
- (50) That a representative of the developer meet with Council's Waste Services Operations Manager at the completion of planning to discuss suitability of the storage area, general requirements regarding collection services and waste management responsibilities;
- (51) That the development must satisfy the requirements in Council's DCP No. 11, Transport Guidelines for Development 1996;
- (52) 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;
- (53) 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;
- (54) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way to the lift lobby in accordance with the design requirements of the relevant Australian Standards;

- (55) 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;
- (56) 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;
- (57) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (58) 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);
- (59) 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;
- (60) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied;
- (a) That all relevant sections of the BCA shall be complied with;

- (b) That 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;
- (c) 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;
- (d) 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;
- (e) 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;
- (f) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (g) 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;
- (h) 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;
- (i) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (j) That the requirements of the Work Cover Authority shall be complied with;

- (k) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
 - (l) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
 - (m) 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;
 - (n) That if the soil conditions require it:
 - (i) 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
 - (ii) adequate provision must be made for drainage;
 - (o) 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:
 - (i) must preserve and protect the building from damage, and
 - (ii) if necessary, must underpin and support the building in an approved manner, and
 - (iii) 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;
- (p) That if the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed to rendered inconvenient; or
 - (ii) 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;

- (q) That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (i) stating that unauthorised entry to the work site is prohibited; and
 - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- (i) building work carried out inside an existing building, or
 - (ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;
- (r) 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;
- (s) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia;
- (61) 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;

NOTE 1: 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 2: 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.

- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.
- (D) Investigate the appropriateness of using an alternative mixed use zone which stipulates minimum limits and/or areas for non-residential uses in the immediate locality of the subject site. An appraisal outlining the findings and recommendation of the investigation be reported back to the Planning & Development Committee for review.

It was moved by Councillor Fowler, seconded by Councillor Lennon, that a clause (E) be added to the recommendation, namely:-

- (E) That following the completion of Stage (2) of the Development Application, the matter be referred back to Council.

Negatived.

During discussion on the matter, Councillor Fowler made a derogatory remark regarding the Australian Labor Party.

The Mayor requested that Councillor Fowler withdraw his remark and apologise.

Councillor Fowler apologised and withdrew his remark unreservedly.

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

Carried.

6.

WATTLE STREET, NOS.485 - 511, ULTIMO – MASTERPLAN AND DEVELOPMENT APPLICATION (U02-00971)

(A1) That pursuant to the provisions of Section 80(3) of the Environmental Planning and Assessment Act, 1979, Council grants its deferred commencement consent to the Masterplan and development application submitted by Australian Property Systems Limited, with the authority of the Shell Company of Australia Limited, for Demolition, Refurbishment and torrens title subdivision of the “*Briscoe*” heritage building, Construction and strata subdivision of a new mixed use building in three stages comprising 13 retail units, 130 residential units, 2053.5m² of commercial space and 122 on-site car parking spaces all at Nos. 485-511 Wattle Street, Ultimo, subject to completion of the following, namely:-

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be approved in writing by the Executive Manager – Assessments prior to lodging an application for a Construction Certificate:
 - (a) To qualify for a floor space bonus in accordance with the South Sydney Development Control Plan 1997 – Urban Design, the owner shall design, construct and meet all costs associated with public domain works associated with the development, as outlined in a Deed of Agreement to be prepared in consultation with Council’s Public Works Approvals Manager, and to the value of \$427,350,
 - (b) Details of materials, colours and finishes including sample board, photomontages and coloured elevations particularly in respect to:
 - (i) external finishes to walls,
 - (ii) roof features,
 - (iii) predominantly solid balcony treatment,
 - (iv) predominant solid windows and doors visible from the street,
 - (c) A Vehicle and Pedestrian Traffic Management Plan for all phases of development including the demolition and construction phases. The Plan shall demonstrate the

manner in which vehicles will be controlled and managed including details on:

- (i) temporary and permanent access driveways
 - (ii) traffic/parking restrictions;
 - (iii) location of on-site and on-street parking for construction workers;
 - (iv) loading and unloading areas including waste storage
 - (v) appropriate signage on-site at the point(s) of vehicular egress, compelling vehicles to stop before proceeding onto the public way;
 - (vi) emergency access arrangements;
 - (vii) pedestrian routes and protection measures;
 - (viii) traffic flow impacts and traffic routes;
 - (ix) The means by which traffic and parking conditions set out in Part B of this deferred commencement consent will be complied with; and
 - (x) the endorsement of the Roads & Traffic Authority and Local Traffic Committee.
- (d) A Waste Management Plan which outlines the quantum, type, storage, sorting, disposal and recycling of waste during all phases of development. The Plan shall also demonstrate the manner in which waste service compartments is to be provided on each floor of the building for containing chute hopper and recycling containers (240-litre MGB's) for the immediate storage of recyclables generated on that floor.
- (e) A revised Landscape Plan prepared by a qualified landscape architect, which shall outline the following:
- (i) A greater amount of landscaping in the form of landscaped planters and soft landscaping within the through site link and public open space area;
 - (ii) The number, location and species of existing trees to be retained and/or removed;
 - (iii) Tree retention and protection measures including water management and protective barriers;
 - (iv) Tree replenishment scheme including the number, expected height at maturity and species of trees to be planted;
 - (v) A two (2) year rolling maintenance program that is capable of ensuring the on-going survival of landscaping;
 - (vi) The means by which final landscaping conditions set out in Part B of this deferred commencement consent will be complied with; and

- (vii) Contingency arrangements in the event of landscaping being damaged and/or dying.
- (f) A Public Art and Historical Interpretation Strategy. The Strategy shall ensure that local public art reflecting the history and future desired character of the site and its locality are implemented in publicly accessible locations within, on and around the development. Details prepared by a suitably qualified Public Art and/or Heritage practitioner shall include the location and a work program for each of the proposed interpretative displays and public art structures.
- (g) A revised scaled car parking plan that outlines:
- (i) No more than 122 on-site car parking spaces allocated on the basis of 84 residential spaces, 22 visitor spaces and 15 retail spaces;
 - (ii) No more than 36 spaces allocated to 1 bedroom units;
 - (iii) No more than 44 spaces allocated to 2 bedroom units;
 - (iv) No more than 4 spaces allocated to 3 bedroom units;
 - (v) Each of the spaces provided for use of people with disabilities is dimensioned in accordance with AS2890.1 and AS1428.1, with a minimum height clearance of 2.5m maintained from the entry point to each of the disabled parking spaces,
 - (vi) Servicing and car wash bays is in accordance with AS218901.1,
 - (vii) The car wash bay measures a minimum of 3.5m x 5.5m and dedicated exclusively for car washing with all wash bay discharges disposed of according to the standard requirements of the Director of City Works;
 - (viii) Compliance with the traffic and parking conditions set out in Part B of this deferred commencement consent; and
 - (ix) Compliance with the requirements of AS2890.1 and South Sydney City Development Control Plan No.11.
- (h) A Site Audit Statement prepared by an EPA accredited site auditor pursuant to the Contaminated Land Management Act 1997, clearly demonstrating that the site is suitable for the intended use under this consent. Conditions imposed on the Site Audit Statement shall form Part B of this consent.

However, in circumstances where the Site Audit Statement conditions are not consistent with the consent, the consent shall prevail to the extent of inconsistency and an s.96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.

- (A2) That the applicant must provide the Council evidence sufficient to enable it to be satisfied of the matters in Part A1 within twelve (12) months or such further period as Council may determine is appropriate upon application in writing being made to Council.
- (B) Upon compliance with the requirements of Part A1, a full consent will be issued, subject to the following conditions, namely:-
- (1) That the development shall be in accordance plans numbered DA 00 issue D dated 06.02.2003, DA 01 issue D dated 03.07.2002, DA 02 issue D, dated 06.02.2003, DA 03 – DA 10 issue D dated 03.07.2002, DA 101 issue D dated 06.02.2003, DA 102 to DA 106 dated 17.02.2003 issue E, DA 110 issue E dated 17.02.2003, DA 201 to DA 214 issue D dated 06.02.2003, DA 215 to DA 218 issue D dated 07.02.2003 issue D, DA 219 dated 03.07.2002, DA 220 to DA 221 issue D dated 06.02.2003, all drawn by Bonus and Associates Architects and date stamped and endorsed by Council;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$138,600 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;
 - (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 \$80,000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (4) Part A

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions

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

Contribution Category	Amount
Open Space: LGA Works Programme	\$52,289
Open Space: New Parks	\$235,219
Accessibility And Transport	\$1,568
Management	\$3,780
Total	\$292,856

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 December Quarter 2002/03.

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;

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

Contribution Category	Amount
Multi-Function Administration Centre	\$77,509

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 December Quarter 2002/03.

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;

- (6) The applicant shall engage an experienced heritage practitioner to oversee all aspects of the work related to the Briscoe Building including restoration and the additions proposed. Proof of engagement is to be submitted with the construction certificate;
- (7) That a photographic record shall be prepared of the Briscoe Building before, during and after the development, documenting changes to the heritage fabric and any significant fabric uncovered during the course of works. The archival record shall be prepared in accordance with NSW Heritage Office Guidelines and one copy is to be lodged with Council and another with the National Trust. The record is to be submitted to Council's satisfaction prior to the issue of a Completion Certificate. The record is to include all areas proposed to be changed as well as significant features of the building including the internal wooden stair, the construction details of the original goods lift void, the remains of the timber floors on levels 2 and 3, the concrete floor on level 1, doors and windows;
- (8) That an archival record of the sheds to be demolished building, including measured drawings and photographs, is to be prepared in accordance with NSW Heritage Office Guidelines, and submitted with the Construction Certificate. Two copies of the record are to be lodged, one with Council and the other with the National Trust;
- (9) The applicant shall submit a detailed design of kerb/gutter and road pavement of Blackwattle Lane and for the 'bridge' over Sydney Waters' heritage stormwater culvert to the City Works for

approval. Sydney Waters' approval must also be sought for the bridge. The materials used for the new kerb and gutter must match the existing sandstone/trachyte kerb. The design must be prepared by a qualified person or company to Council's specifications and endorsed in writing by City Works Department prior to the issuing of a Construction Certificate. The extent of the bridge shall be to Council's satisfaction to satisfy safety traffic access and egress from the site;

- (10) The applicant shall submit with the Construction Certificate the following details:
- (a) Confirmation that the exterior brickwork is not to be rendered, painted or coated and the manner in which it is to be regularly maintained;
 - (b) New services in the Briscoe Building are to be placed unobtrusively and with minimum intervention to the original fabric;
 - (c) All repair work to the original/early building fabric, including doors, windows and rainwater goods, of the Briscoe Building that shall match as closely as possible the original details;
 - (d) All new internal and external finishes and works of making good that shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance;
 - (e) Retention of the Briscoe and Co signage of the parapet of the Wattle Street elevation;
 - (f) A palette of traditional colour schemes, based on the paint scrapes, used in the restoration and reconstruction of the joinery within the building;
 - (g) All conservation works to be carried out in accordance with the conservation policy outlined in the Conservation Management Plan prepared by Graham Brooks and Associates, dated June 2002;
 - (h) Retention of the northern most existing hydraulic lift is, including associated plant and installations, and refurbished. Any works in order to ensure a BCA compliant enclosure and to secure the inoperable lift void is to be carried out with compatible materials that match the industrial nature of warehouse operations. A palette of traditional colour schemes, based on paint scrapes, is to be used in the refurbishment of the lift well;
 - (i) Margins of the two door openings on level 2 and 3 to gain access to the steel framed egress stair at the rear of the building that are to be created by the hand-removal of bricks for keying in new work rather than by sawing. The bricks are to be salvaged for repairs elsewhere in the building;

- (j) Retention of the existing timber stair, identified in the Conservation Management Plan as being of exceptional significance, and if not used how it is to be reversibly blocked off;
 - (k) A common shower facility located in close proximity to the bicycle parking rails or one within each retail unit;
 - (l) Retention and exposure of the existing roof trusses;
 - (m) Isolation membrane and concrete topping that is to be placed on the level 2 and level 3 strip timber flooring in such a way that it is reversible and can be removed without damaging the timber flooring. The seams of the membrane sheeting are to be sealed to ensure that there is no leakage onto the timber flooring;
 - (n) The maintenance schedule outlined in the Conservation Management Plan for the Briscoe Building, that is to be implemented by the managing body responsible for the ongoing maintenance of the building;
 - (o) As recommended in the Historical Archaeological Assessment Report prepared by Archaeological and Heritage Management Solutions, dated May 2002, a detailed archaeological assessment of the proposed impact on relics at the site is to be prepared when the design proposal is finalised and before any works are carried out that will result in excavation or the disturbance of the ground level of the site. This assessment is to consider requirements of the NSW Heritage Council and the effects that will be caused by establishment of proposed underground service infrastructure, construction of building footings, excavation of basement and the effects of the development on the Blackwattle system; and
 - (p) In accordance with EPA criteria (The Environmental Criteria for Road Traffic Noise, May 1999) appropriate noise protection measures that address possible traffic noise from Wattle Street. Any solution to noise problems are to be durable, effective and constructed in harmony with the existing urban design, and meet these requirements for future residents.
- (11) That subdivision of the Briscoe Building from the rest of the site is to only take place once restoration of this building has been carried out;
- (12) 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 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.

- (13) That a low clearance sign be used in conjunction with an appropriate warning device such as a flexible striker bar for the basement car park entrance where vehicles first enter undercover or encounter an overhead obstruction;
- (14) That where a residential unit does not include a car space, the purchaser of the unit shall be officially notified of this prior to sale;
- (15) No resident parking permits will be issued. This is to be clearly expressed to residents including details on a noticeboard in the foyer entrance to the building and details of which to be submitted with the Construction Certificate;
- (16) The applicant is to include provisions for installation of concave mirrors on walls inside the building line to give motorists a better view of approaching pedestrians and installation of electronic signals triggered by vehicles, accompanied with appropriate signage, to warn pedestrians/drivers of approaching traffic. Details of such measures shall be submitted with the Construction Certificate;
- (17) The applicant is to liaise with Councils Waste Services department to ensure the proposed loading arrangements with respect to residential garbage storage and pick-up is satisfactory;
- (18) A development application is to be submitted to Council for each of the proposed retail/commercial spaces and for any proposed signage;
- (19) The applicant must give Council and Transgrid three (3) working days written notice of each of the following events:
 - (a) footing set out;
 - (b) pile set out;
 - (c) pile excavation;
 - (d) pile concreting; and
 - (e) Installation of anchors against the Wattle Street boundary;

- (20) The applicant will allow TransGrid to inspect the site and works to confirm that these works have been or are being built in accordance with Development Consent Conditions;
- (21) The applicant shall submit with the Construction Certificate a Water Management Plan that outlines the manner in which water will be controlled and managed during all phases of development. The plan shall include, but not limited to:
- (a) Water management goals and objectives;
 - (b) An appraisal of flooding impacts including the means by which a 0.3m freeboard above the 1 in 100 year ARI will be provided and maintained;
 - (c) Water quantity, flow and quality targets, expectations and measures in respect to the recycle, re-use and disposal of water;
 - (d) Details of providing and maintaining an overland flowpath in accordance with Council's requirements;
 - (e) A system of on-site detention of stormwater in accordance with Council's Standard Requirements for the Discharge of Stormwater from Private Property and Stormwater Code;
 - (f) That all stormwater connections will be perpendicular from the building line to Council's kerb;
 - (g) Connection details (including detailed design plans) into Council's stormwater drainage pit and/or stormwater pipeline Maintenance procedures for the entire on-site detention system in accordance with Council's requirements;
 - (h) A certificate from a Council registered stormwater certifier verifying that the levels of all habitable floors are no less than 300mm above the flood level of the 1 in 100 storm event;
 - (i) Confirmation that a positive covenant shall be imposed on the land title, the wording of which shall be in accordance with Council's requirements;
 - (j) An action plan outlining water risks, safeguards and contingencies.
- (22) The applicant shall, prior to the commencement of work (other than demolition), submit the following documentation to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it was not the PCA):
- (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer. A copy of the detailed structural drawings for footings, piles and any slabs on ground located adjacent to the Cable Tunnel and zone of influence must also be submitted to TransGrid at least five (5) working days prior to commencement of construction,

- (23) The applicant shall submit with the Construction Certificate a Traffic Management Plan that outlines the manner in which traffic generated by all phases of development will be controlled and managed including the following details:
- (a) A copy of the Vehicle and Pedestrian Traffic Management Plan in accordance with Condition No.(A1)(c) of the deferred commencement consent;
 - (b) A copy of the revised car parking plan submitted in accordance with Condition No.(A1)(g) of the deferred commencement consent;
 - (c) The removal of any redundant driveways along the Wattle Street frontage of the subject site;
 - (d) The replace of any redundant driveways with a standard barrier profile kerbing (type SA) to RTA standards;
 - (e) The reinstatement of footway areas to Council's requirements;
 - (f) Reinforcement of the left in/left out vehicular movements in Blackwattle Lane, by appropriate signage and line marking. "All Traffic Turn Left" Type R2-14 (L) A, size 600 x 800 shall be installed at the proposed vehicular exit to Blackwattle Lane
 - (g) Installation of a Pedestrian Crossing in accordance with Australian Standards across Blackwattle Lane where the pedestrian link between the Quadrant site and the subject through site link is located;
 - (h) The design of drive paths, loading docks and parking spaces within the site in accordance with the requirements of DCP No.11
 - (i) 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. All loading areas are to be clearly marked within the site;
 - (j) A traffic control plan bearing in mind Blackwattle Lane has a 2-tonne load limit imposed on it, therefore, heavy vehicles must not use this laneway to access the site during the demolition/ construction period;
 - (k) Measures to ensure that all visitor and parking spaces for people with disabilities will be visible, clearly marked and accessible to the users;
 - (l) Measures to ensure that the current-parking restrictions around the site shall not be altered for any proposed vehicles servicing for the site;
 - (m) Compliance with the requirements of the Roads & Traffic Authority;
 - (n) Compliance with all other traffic and parking conditions of this consent;
 - (o) An action plan of the traffic risks, safeguards and contingencies.

- (24) 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;
- (25) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of City Works 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 City Works;
- (26) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (27) That the applicant shall ensure that there are no encroachments or obstructions over the public way during all phases of development including occupation;
- (28) That the applicant shall ensure that all appropriate covenants, easements and rights of way are imposed on the certificate of title for public access (in accordance with the terms provided by Council), and lodged at the Land and Property Information Office prior to the issuing of an occupation certificate;
- (29) 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, irrigation 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;
- (30) That the applicant shall ensure that a suitable separate garbage storage area shall be provided to accommodate the anticipated number of container bins required for refuse and recycling generated by commercial tenants;

- (31) That the applicant shall ensure that the commercial tenants must engage services of a private waste contractor for removal of waste and recycling and details of which submitted to Council;
- (32) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee of \$380 for the stormwater connection to Councils system and no work shall be commenced until the fee is paid;
- (33) 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;
- (34) 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;
- (35) 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;
- (36) 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;
- (37) That any excavation below the footpath level adjacent to the street alignment shall require shoring in accordance with Council's Shoring Policy and details of which to be submitted with the Construction Certificate;
- (38) That the existing lots shall be consolidated into one single lot prior to the issuing of an Occupation Certificate;
- (39) 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;

- (40) That the forward-most point of the awning(s) shall be set back a minimum distance of 600mm from the front of the kerb;
- (41) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way to the lift lobby in accordance with the design requirements of the relevant Australian Standards;
- (42) 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;
- (43) 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 with details to be submitted with the Construction Certificate;
- (44) 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;
- (45) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge and details of which submitted with the Construction Certificate;
- (46) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (47) 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.

- (48) 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;
- (49) That a final 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:
- (a) 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.
 - (b) 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.
 - (c) 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 ²	10L
Shrubs	1.0-3.0m	1/2m ²	5L
Groundcovers	<1.0m	6/ per m ²	150mm pot

- (50) All terraced/-landscaped areas shall have their own water supply and are to be adequately drained.
- (51) That detailed information is required regarding the landscaping, street trees and materials proposed for the footpath upgrade to Wattle Street, Black Wattle Lane and Wattle Place, together with the through site link. The detailed treatment of the Public Domain shall adhere to the principles as outlined in the Streetscape Masterplan Technical Manual and the street trees shall be

specified and planted in accordance with the current Street Tree Master Plan Report and details of which is to be submitted with the Construction Certificate;

- (52) 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 80m² of landscaped area.
- (53) That all existing trees on the site shall be protected from construction works by the erection of a safety fence or barricade hoarding around the drip line (canopy edge) of each tree. No materials or equipment shall be stored or placed within the fenced area and details of which shall be submitted with the Construction Certificate;
- (54) 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 and details of which submitted with the Construction Certificate;

- (55) 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.
- (56) 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 conditions of this consent and Construction Certificate drawings. All landscape works shall be fully completed prior to the issue of an Occupation Certificate.
- (57) 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;
- (58) 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;

- (59) 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) and details of which submitted with the Construction Certificate;
- (60) The construction, fitout and finishes of any proposed food premises shall comply with any proposed Food Act 1989 and Regulations thereunder and the National Code for the Construction and Fitout of Food Premises;
- (61) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia;
- (62) That any proposed food premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with AS1668;
- (63) 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:
 - (a) Protection of the Environment Operations Act, 1997
 - (b) Protection of the Environment Operations (Waste) Regulation 1996
 - (c) Waste Avoidance and Recovery Act 2001
 - (d) New South Wales Occupational Health & Safety Act, 2000
 - (e) New South Wales Construction Safety Act, 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983)
 - (f) The Occupational Health & Safety Regulation 2001
 - (g) The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996;
- (64) That the residential 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;

- (65) 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;
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place;
- (66) That the commercial garbage/recycling storage facility and garbage chutes shall be in a position that can be accessed by a commercial contractor. 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;
- (67) That the car wash bay shall be graded and drained to the sewerage system in accordance with the requirements of the Sydney Water Authority and details of which submitted with the Construction Certificate;
- (68) 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;
- (69) That prior to the commencement of demolition/construction activities an Environmental Management Plan (EMP) shall be developed and submitted which outlines 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 details:
- (a) Environmental goals, targets, milestones, budgets and expected outcomes;
 - (b) Implementation of the findings and recommendations of other management and action plans referred to in this consent;
 - (c) Measures to control noise emissions from the site;
 - (d) Measures to suppress odours and dust emissions;
 - (e) Soil and sediment control measures particularly when the site is unattended during hot and windy conditions;

- (f) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos;
 - (g) Air quality management including noise, dust and the like;
 - (h) Complaints handling and community consultations;
 - (i) Compliance with all conditions of this consent;
 - (j) An overall action plan for risks, safeguards and contingencies for all phases of development.
- (70) 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;
- (71) 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 recycling storage area: 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 & the Food Act 1989 and Regulations thereunder;
- (72) That the applicant shall comply Condition Nos. 72 to 85 for Stage 1 of the development or otherwise provide an alternative solution, submitted as a report to the certifying authority, clearly outlining how the relevant performance requirements can be satisfied in the respect of the following;

- (a) That the doorways that open to fire isolated stairways/fire isolated passageways/fire isolated ramps shall be protected by -/60/30 fire doors in accordance with the requirements of C3.8 of the BCA;
- (b) That the enclosing walls of the fire isolated exit shall not be penetrated by any services other than as permitted by C3.9 of the BCA;
- (c) 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;
- (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 all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (f) That all glazed assemblies shall comply with clause B1.4(h) of the BCA;
- (g) 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;
- (h) 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;
- (i) 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;
- (j) That unobstructed access shall be provided and maintained at all exits at all times from tenancies and from public areas;
- (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 number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (m) That the underside of all 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;
- (n) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (o) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (p) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (q) 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;
- (r) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (s) 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;
- (t) That all damp and weatherproofing provisions shall be in accordance with Part F1 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 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;
- (w) That the door to a fully enclosed sanitary compartment shall comply with the requirements of clause 3.8.3.3 of the BCA;
- (x) That all relevant sections of the BCA are complied with;
- (73) 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;

- (74) 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;
- (75) 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;
- (76) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (77) 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;
- (78) That the requirements of Sydney Water and the Work Cover Authority shall be complied with.
- (79) 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;
- (80) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (81) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (82) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (83) 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;
- (84) That the demolition work shall comply with Australian Standard 2601-1991;

- (85) 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;

- (86) That the applicant shall for Stages 2 and 3, submit as a report to the Certifying Authority clearly outlining how relevant performance requirements can be satisfied in respect of the following:
- (a) That all relevant sections of the BCA shall be complied with;
 - (b) 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;
 - (c) 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;
 - (d) 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;
 - (e) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;

- (f) 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;
- (g) 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;
- (h) That the requirements of the Work Cover Authority are complied with;
- (i) 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;
- (j) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (k) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (l) 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;
- (m) That the demolition work shall comply with Australian Standard 2601-1991;
- (n) 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:
 - (i) must preserve and protect the building from damage, and
 - (ii) if necessary, must underpin and support the building in an approved manner, and
 - (iii) 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.
- (o) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;

(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;

That the applicant is advised that this application has not been assessed for compliance with the Building Code of Australia.

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:

The owners attention is drawn to the advisability of having periodic tests made of the pool water as to its suitability for bathing purposes.

NOTE 3:

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 4:

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 or hard copy using the attached notification.

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

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 5:

The Notices by the applicant to TransGrid must be addressed to the Manager Projects, TransGrid, PO Box A1000, Sydney South 1235 (or such other person as may be nominated in writing by TransGrid) and received by the Manager Projects in person or by facsimile to (02) 9284 3440 (or such other facsimile number as may be nominated in writing by TransGrid) between 8.00am and 5.00pm on a working day;

- (B) Advise those who made a submission of Council's decision.
- (C) Advise Sydney Water, Integral Energy and the RTA of Council's decision.

Carried.

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

7.

KING STREET, NO.42, NEWTOWN – REFURBISH EXISTING COMMERCIAL BUILDING FOR USE AS A RESTAURANT WITH LIVE ENTERTAINMENT (U02-00923)

- (A) That the Council, as the responsible authority grants its consent under the Environmental Planning and Assessment Act and Section 68 of the Local Government Act to the applications submitted by John Casaceli, owner, for permission to carry out internal and external alterations to the existing commercial building to convert it for use as a restaurant with live music entertainment, 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 \$750, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development shall be generally in accordance with plans numbered 0501-001A, 002A, 003, 004A, 005A, 008, 009 and 0101, subject to compliance with the conditions below;
- (4) That the maximum number of patrons shall be limited to 150 at any one time;
- (5) That the operation of the restaurant/live music venue use shall at all times be consistent with the specific management undertakings in the submitted Action Plan;
- (6) That the hours of operation of the restaurant shall be restricted to between 5.00pm and 12.00 midnight Tuesdays to Saturdays and 4.00pm and 10.00pm, Sundays with late music entertainment restricted to between 8.30pm and 11.30pm, Tuesdays to Saturdays and 6.00pm and 9.30pm Sundays;
- (7) That no bottle recycling or storage of garbage shall be carried out in the side passageway and all bottles and garbage shall be stored within the building until collection;
- (8) That the building opening on the side passageway shall be used only as emergency exit and shall not be left open or used as an entrance for public access to the building, during the hours of operation of the premises;
- (9) That the modifications to the building detailed in the consultant acoustic report prepared by Richard Heggie Associates Pty Ltd, required to ensure compliance with the noise restriction controls in conditions (9) shall be completed and a certificate verifying compliance from a suitably qualified and practicing acoustic

consultant shall be submitted to Council, prior to the commencement of live entertainment to the public;
(Note: See also Condition (44).

- (10) 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;
- (11) 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;
- (12) That the security personnel employed by the management shall periodically inspect the side passageway and the footpath area to ensure that patrons do not congregate in these areas;
- (13) That no people (commonly known as "spruikers") shall be on the property or the public way, publicising the use of the premises;
- (14) That the proposed brickwork shall match the existing brickwork, to be detailed with the application for a Construction Certificate;
- (15) That any external glazing shall have a reflectivity not exceeding 20%;

- (16) That any proposed roller shutter for the shopfront shall be of an open mesh type and detailed in the application for a Construction Certificate;
- (17) That no flashing, moving or intermittent lighting shall be installed on the premises or on any external sign associated with the development;
- (18) 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;
- (19) 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;
- (20) That the applicant shall enter into a commercial contract for the daily collection of trade waste. A copy of the agreement indicating proposed time of collection being no earlier than 6.00am and no later than 10.30pm shall be lodged at Council's One Stop Shop for referral to the Health Services Manager, prior to the issue of an Occupation Certificate;
- (21) 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;
- (22) 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;
- (23) 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;

- (24) That fixed vandal proof lighting shall be installed in the side passageway, having an illumination level sufficient to light the area but not to cause glare or to intrude into the privacy of the residential units overlooking this space. Details shall be submitted with the construction certificate.
- (25) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (26) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (27) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (28) 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);
- (29) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia;
- (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 all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (34) 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;
 - (d) the coolroom: STANDARD REQUIREMENT - National Code for the Construction and Fitout of Food Premises & the Food Act 1989 and Regulations thereunder;
 - (e) 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;
- (35) 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;
- (36) 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;
- (37) 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;

- (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 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;
- (40) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (41) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (42) 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;
- (43) That a structural certificate/report from a council registered structural engineer shall be submitted attesting that the building is structurally sound and is capable of withstanding the loadings likely to arise from the new use;
- (44) That the premises shall not be used as a place of public entertainment until a place of public entertainment license under Section 68 of the Local Government Act has been obtained.

- (45) 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 top floor level shall be redesigned so as to constitute a mezzanine, as defined in the Building Code of Australia. Means of egress from this level shall accord with section D of the BCA;
 - (b) That structural certification justifying the capacity of the existing structure to carry the proposed new loads shall be submitted to Council from a structural engineer registered with Council prior to the commencement of work;
 - (c) That the requirements of the Work Cover Authority shall be complied with;
 - (d) 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;
 - (e) That the proposed work shall be constructed in Type (C) construction in accordance with the requirements of specification C1.1-(5) of the BCA;
 - (f) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
 - (g) That all glazing assemblies shall comply with clause B1.4(h) of the BCA;
 - (h) 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;
 - (i) That the discharge from exits shall comply with D1.10 of the BCA;
 - (j) 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;

- (k) 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;
- (l) 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;
- (m) That a continuous balustrade or other barrier shall be provided within the mezzanine level in accordance with part D2.16 of the BCA;
- (n) 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;
- (o) That access to exits shall not be impaired by the seating layout;
- (p) That a refrigerated or cooling chamber which is of sufficient size to permit the entry of a person shall be provided with:-
 - (i) a door which can at all times be opened from inside without a key;
 - (ii) 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;

- (q) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;

- (r) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (s) That a system of smoke hazard management shall be provided throughout the building in accordance with part E2 of the BCA;
- (t) 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;
- (u) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (v) That directional signs where necessary shall be provided in accordance with the requirements of E4.6 and E4.8 of the BCA and AS2293.1;
- (w) 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;
- (x) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (y) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (z) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (aa) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (bb) 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;
- (cc) That the premises, as shown on the approved plans, shall not be altered in any way, unless details in duplicate are first submitted to and approved by the Council of the City of South Sydney;

- (dd) That all doors fitted to egress doorways shall be hung in two folds where the doorway is more than 1m in width, fitted only with 'panic' bolts where required to be secured;
- (ee) That the edges of the treads of steps shall be made conspicuous;
- (ff) That in any auditorium or foyer of a place of public entertainment any curtain or blind shall comply with the requirements of Specification C1.10.4(d) of the BCA;
- (gg) That fabric used to cover closed-back upholstered chairs in any part of a place of public entertainment shall comply with the requirements of Specification C1.10.4(d) of the BCA;
- (hh) That a notice of maximum loads for stages shall be displayed in accordance with the requirements of Clause H101.8 of the BCA;
- (ii) That access for people with disabilities shall accord with the requirements of the relevant clauses of Part D3 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.

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, some exemptions apply;

NOTE: 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 or hard copy using the attached notification form.

Failure to notify the NSW Health Department may result in a penalty not exceeding \$2750.

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.

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

It was moved by Councillor Lay, seconded by Councillor Harcourt, that the motion be amended by the addition of a clause (46) to the recommendation, namely:-

- (46) The applicant shall submit annually for two years from the endorsed date of this consent with Council to review the need for further reporting at this time an acoustic management plan in which Council must be satisfied of the following performance conditions:
- (a) The operation has complied with the noise control requirements of the Environment Protection Authority;
 - (b) The operation has complied with all relevant conditions of this consent;
 - (c) The views of Council and adjoining property owners/residents have been identify, classified and responded to;

- (d) A complaint handling system has been implemented;
- (e) Noise levels have been effectively measured, controlled and managed and the results of which have been implemented in an acoustic action plan which includes an outline of risks, safeguards and contingencies;
- (f) Recommendations by a qualified acoustic consultant to improve the acoustic performance of the operation;
- (g) Justification for continued operation in the event of acoustic levels and target being breached at anytime by the operation.

Motion, as amended by consent, carried.

The Planning and Development Committee Meeting terminated at 7.32 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

19 March 2003

PRESENT

Councillor Christine Harcourt (Chairperson)

The Mayor, Councillor Tony Pooley and Councillor Shayne Mallard

At the commencement of business at 7.07 pm those present were -

The Mayor and Councillors - Harcourt and Mallard

Apology:

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

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

That the Report of the Community Services Committee of its meeting of 19 March 2003, be received and the recommendation set out below for Item 1, be adopted.

Carried.

The Committee **recommended** the following:-

1.

CELEBRATIONS – HERITAGE WEEK – 5 - 13 APRIL 2003 - PROGRAM OF EVENTS (2020573)

That arising from consideration of a report by the Director of Community Living dated 12 March 2003, Council approve the Program of Events for Heritage Week 2003, namely:-

Saturday 5 April to Sunday 13 April
Photographic Exhibition At Kepos Street Activity Club, Redfern

Sunday 6 April - 2pm to 4pm
Heritage Walk At Victoria Park, Camperdown

Wednesday 9 April - 9.45am to 4pm
Orientation Day Tour For N.E.S.B Residents

Sunday 13 April - 2pm to 4pm
Heritage Talk At Kepos Street, Redfern

-for which funds have been provided for in the 2002/2003 Estimates (3315 account).

Carried.

The Community Services Committee Meeting terminated at 7.08 p.m.

REPORT OF THE FINANCE COMMITTEE

19 March 2003

PRESENT

The Mayor, Councillor Tony Pooley (Chairperson)

Councillors – Christine Harcourt and Shayne Mallard

At the commencement of business at 6.58 pm, those present were -

The Mayor and Councillors – Harcourt and Mallard

Apology:

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

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

That the Report of the Finance Committee of its meeting of 19 March 2003, be received and the recommendations set out below for Items 1 to 9 inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

DONATIONS – COMMUNITY CABLE TELEVISION 1 – REQUEST TO VARY ANNUAL COMMUNITY GRANT (D53-00293)

That arising from consideration of a report by the Director of Community Living dated 3 March 2003, Council approves to vary the use of the \$5,000 grant to CTV1 under the 2002/2003 Annual Community Grants Program, so that it can be used to assist in purchasing a MX 12 Vision Mixer, on the proviso that CTV1 does not approach Council outside the normal processes of the Annual Community Grants Program for assistance with relocation expenses in the event that an alternate premise is secured.

Funds to cover this expenditure have already been allocated under the 2002/2003 Annual Community Grants Program.

Carried.

2.

COMMUNITY SERVICES – REDFERN/WATERLOO COMMUNITY SAFETY TASKFORCE - APPLICATION FOR FREE USE OF REDFERN TOWN HALL – 25 MARCH 2003 (2028257)

That the actions of the Finance Committee in approving the free use of Redfern Town Hall on Tuesday, 25th March 2003 by the Redfern / Waterloo Community Safety Taskforce and under the provisions of section 356 of the Local Government Act. 1993, Council agrees to forego \$120 in hall hire and cleaning costs to enable the taskforce to conduct their meeting, be confirmed.

Carried.

3.

FINANCE – ROADS AND TRAFFIC AUTHORITY - GRANTS – REGIONAL ROAD REPAIR PROGRAM 2003-2004 – BOURKE ROAD AND HUNTLEY STREET, ALEXANDRIA - ACCEPTANCE- (2019792)

That for the reasons set out in the report by the Director of City Works dated 11 March 2003, Council approval be given to the acceptance of the Grant of \$141,000 from the 2003/2004 Regional Road Repair Programme for the rehabilitation of Bourke Road and Huntley Street, Alexandria, under the conditions set out in Roads and Traffic Authority letter dated 16.01.03.

Carried.

4.

PARKS - ALEXANDRIA PARK – ACCEPTANCE OF TENDER FOR THE DESIGN SUPPLY AND INSTALLATION OF LIGHTS TO ALEXANDRIA PARK, PARK ROAD, ALEXANDRIA (P52-00032)

That arising from consideration of a report by the Director of City Works dated 11 March 2003, Council resolves to accept the tender submission from Connor Electrical Services trading as Havencord Pty Ltd for the design, supply and installation of lighting to Alexandria Park \$102,454.55 (plus GST \$10,245.45) \$112,700.00, and the confidential attachment to this report remain confidential in accordance with Section 10A(2)(d) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Carried.

5.

PARKS – HOLLIS PARK, WILSON STREET, NEWTOWN - UPGRADE STAGES 3 & 4 – ACCEPTANCE OF TENDER FOR CONSTRUCTION (P52-00031)

That arising from consideration of a report by the Director of City Works dated 11 March 2003, Council resolves to accept the tender submission of Wilson Landscapes for the Upgrade of Hollis Park, Newtown stages 3 & 4 at a cost of \$532,506.50 (excluding GST), and the confidential attachment to this report remain confidential in accordance with Section 10A(2)(d) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Carried.

6.

FINANCE – MONTHLY INVESTMENTS REPORT PERIOD ENDING 31 JANUARY 2003 (2015594)

That the Investment Report by the Chief Financial Officer dated 11 March 2003 for the period ending 31 January 2003, be received and noted.

Carried.

7.

DONATIONS - MATTHEW TALBOT HOSTEL – REQUEST TO VARY COMMUNITY GRANT 2002/2003 (2026239)

That for the reasons set out in the report by the Director of Community Living dated 6 March 2003, Council approves to vary the use of the grant to Matthew Talbot Hostel under the 2002/2003 Annual Community Grants Program, so that it can be used to conduct a 16-week course, IT-Community Link Skills Program, at a reduced cost of only \$3,200. Funds to cover this expenditure have already been allocated under the 2002/2003 Annual Community Grants Program.

Carried.

8.

STREETS – LIGHTING - SSROC STREET LIGHTING STUDY FINDINGS – PARTICIPATION IN THE SSROC STREET LIGHTING IMPROVEMENT PROGRAM (2025883)

That arising from consideration of a report by the Director of City Works dated 10 March 2003, Council participate in the SSROC Street Lighting Improvement Program at a cost of \$9,000 for the period up to 31 December 2003, for which funds are available in the current operational budget. (1.44.2510.16680.0 refers).

Carried.

9.

CARPARKS – DOMAIN - FREE USE – “WALK AGAINST THE WAR COALITION”, 23 OR 29 MARCH AND 13 APRIL 2003

That arising from consideration of a report by the Director of Corporate Services dated 19 March 2003, Council approves free access to the Domain Carpark on Sunday 23 March or Saturday 29 March 2003 and Sunday 13 April 2003, for 12 vehicles associated with the “Walk Against The War Coalition”,

and forgoes \$264 in income under the provisions of Section 356 of the Local Government Act, 1993.

Carried.

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

The Finance Committee Meeting terminated at 7.06 p.m.

Committee of the Whole – Council Meeting

At this stage and at 7.12 p.m., it was moved by the Mayor, seconded by Councillor Harcourt:-

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the below listed matters as they dealt with confidential matters.

1.

ADMINISTRATION – FLEET MANAGEMENT – REVIEW (20228642)

(Note: At the Committee of the Whole Meeting, the General Manager declared a Conflict of Interest on behalf of himself and other Council Officers on the minute to Council dated 11 March 2003, concerning “Administration – Fleet Management Review”.

The nature of the interest involves the:-

- (1) value of the private use of Council’s vehicles;
- (2) ownership of vehicle with novated lease trial;
- (3) private use vs business use arrangements;

and an Independent Consultant was engaged to prepare and brief Council to ensure transparency and integrity.

2.

PROPERTIES – RELOCATION OF COUNCIL’S ADMINISTRATIVE CENTRE TO LAWSON STREET, REDFERN – DELETION OF PROPOSED ELEVATED FOOTBRIDGE FROM PROJECT – PROGRESS REPORT (2013555)

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 7.20 p.m. the Council Meeting resumed.

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

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

1.

ADMINISTRATION – FLEET MANAGEMENT – REVIEW (20228642)

That the recommendations as contained in the report by the Director of City Works dated 11 March 2003, be approved and adopted.

2.

PROPERTIES – RELOCATION OF COUNCIL'S ADMINISTRATIVE CENTRE TO LAWSON STREET, REDFERN – DELETION OF PROPOSED ELEVATED FOOTBRIDGE FROM PROJECT – PROGRESS REPORT (2013555)

That the recommendations as contained in the report by the Director of Corporate Services dated 18 March 2003, clauses 1 to 4 and the additional clause (5) that was approved at the Finance (Confidential) Meeting, be approved and adopted.

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

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)

WEDNESDAY 12 MARCH AT 6.36 PM

PRESENT

The Mayor, Councillor Tony Pooley (Chairperson)

Councillors – Christine Harcourt and Shayne Mallard

Apology:

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

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

The Mayor and Councillors – 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 these Items are Press and Public excluded is in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, which states "commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it".

1.

ADMINISTRATION – FLEET MANAGEMENT REVIEW (20228642)

That the recommendations as contained in the report by the Director of City Works dated 11 March 2003, in respect of the review of Council's Fleet Management, be approved and adopted.

Carried.

Note: At the Finance (Confidential) Committee Meeting:

- (1) the General Manager declared an interest on behalf of all staff associated with motor vehicles and that the report was prepared by an outside consultant;
- (2) Councillor Harcourt advised that the Joint Consultative Committee (J.C.C.) agreed in principle to the proposal.

2.

PROPERTIES – RELOCATION OF COUNCIL'S ADMINISTRATIVE CENTRE TO LAWSON STREET, REDFERN – PROGRESS REPORT

This matter was submitted to Council without recommendation.

It was moved by the Mayor, seconded by Councillor Harcourt, that Council amend the recommendation by the addition of a clause (5), namely:-

- (5) That the Director of Corporate Services advise staff through the current consultation process that it is in favour of the recommendation and that staff be advised accordingly.

These matters were dealt with in the Committee of the Whole Meeting. See Page No. 273 for the decisions.

NOTICES OF MOTION

1.

**ST. JOHNS CHURCH, BAYSWATER ROAD, DARLINGHURST –
PROPOSED LEASE OF FORMER BAYSWATER CAR RENTAL SITE****Moved by Councillor Lennon, seconded by Councillor Fowler:-**

That the Mayor contact the Lord Mayor and advise of:-

- (1) the desirability of Sydney entering into a lease in respect of the former Bayswater Car Rental site in Darlinghurst from St. Johns Church, for the same amount of rent as charged to the Blow Splash Car Wash company and sales group. This will be the last opportunity for open space near the cross city super tunnel to satisfy the demand created by the Elan and Horizon developments, thereby creating a sustainable city;
- (2) the fact that South Sydney Councillors have been working on this project for some time.

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

That the Mayor:-

- (1)(a) contact the Lord Mayor and advise of the desirability of Sydney City Council entering into a lease in respect of the former Bayswater Car Rental site in Darlinghurst from St. Johns Church.
- (1)(b) contact the Premier of NSW and ask that the State Government use its powers of Compulsory Acquisition to acquire the St. John's Church site (former Bayswater car rental site) to create an inner city parkland dedicated to the community.

Motion, as amended, carried.

2.

**WEST END LANE, NO. 15, ULTIMO – DEVELOPMENT APPLICATION –
RESCISSION MOTION (U02-001256)****By Councillors Bush, Fowler and Lennon.****Moved by Councillor Bush, seconded by Councillor Fowler:-**

That the Council's Town Planner's decision to refuse the above Development Application

- be rescinded.

That the above Development Application be determined in a Council Committee Meeting.

Negatived.

The Council Meeting terminated at 8.46 p.m.

Confirmed at a meeting of South Sydney City Council
Held on2003

CHAIRPERSON

GENERAL MANAGER