

317TH Meeting

Erskineville Town Hall
Erskineville
 487987

Wednesday, 9 April 2003

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.30 pm on Wednesday, 9 April 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 Councillor Furness, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 26 March 2003, be taken as read and confirmed.

At the request of Councillor Shaw, and by consent, the minutes be amended by the deletion:-

- (1) of the street number "NO. 120" on Page 193, Question Without Notice No. 2 and the insertion in lieu thereof of the street number "NO. 118A";
- (2) of "Councillor Shaw" on Page 194, Question Without Notice No. 4 and the insertion in lieu thereof of "Councillor Lay".

Minutes, as amended by consent, were then read as confirmed.

Carried.

Leave of Absence - Councillor Shayne Mallard

A request was received from Councillor Mallard for leave of absence from the Extraordinary Council Meeting to be held on 15 April 2003.

It was moved by the Mayor, seconded by Councillor Bush:-

That leave of absence be granted to Councillor Mallard for leave of absence from the Extraordinary Council Meeting to be held on 15 April 2003.

Carried.

MINUTE BY THE MAYOR

8 April 2003

DONATIONS - REQUEST BY COUNCIL STAFF FOR SPONSORSHIP SUPPORT FOR COMMUNITY AID ABROAD TRAIL WALKER FUNDRAISER (2015944)

A letter has been received requesting sponsorship support for two staff members from Council's One Stop Shop.

Staff members Erin Blake and Barry Heiler will be participating in the Oxfam Community Aid Abroad Trail Walker, which is a 100km run which raises funds for aid

programs in famine and disaster struck communities throughout the world by sponsoring participants.

Erin and Barry have been in training since December 2002 for the event, and feel confident that they will complete the 100km distance.

They have requested that Council sponsor them for \$1.00 each per kilometre. If they both succeed in completing the run, Council would be paying \$200 in total as their donation. Funds for this would come from Council Community Grants Budget.

RECOMMENDATION

Council approve sponsorship of staff members Erin Blake and Barry Heiler of the One Stop Shop, in the Oxfam Community Aid Abroad Trail Walker Fundraiser for \$1.00 each per kilometre. The total cost to Council if they both succeed being \$200.

Councillor Tony Pooley (SGD)
Mayor

Moved by Councillor Mallard, seconded by Councillor Shaw:-

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

Carried.

MINUTE BY THE MAYOR

9 April 2003

DONATIONS - STAFF – TRANSFER – SOCIAL FUNCTION – FINANCIAL SUPPORT (D53-00054)

The Sports and Social Club of Council in the past have held a social function on the Thursday evening prior to Easter, which the Social Club subsidises through membership contributions.

This year the Sports and Social club have delayed holding their social function until Friday the 2 May 2003.

The reason that the Sports and Social Club have decided to hold it on 2 May is that with the imminent transfer of staff to the Sydney City Council it is a good opportunity to hold a final social function before the transfer of staff.

An approach has been made to Council to match the Sports and Social Club subsidy on a dollar for dollar basis. Council's Sports and Social Club have indicated that they

will be subsidising the event to the amount of \$2,500. This is a great opportunity for Council to thank those staff members being transferred in recognition of their services to South Sydney City Council.

The function will be open to all Council staff irrespective of them being transferred or not and whether they are members or non members of the Sports and Social Club.

The venue for the function will be the Alexandria/Erskineville Bowling Club.

RECOMMENDATION

That Council donate \$2,500 towards the Sports and Social Club function to match the clubs subsidy of \$2,500 in recognition of the services of those staff members being transferred to the Sydney City Council to be held at the Alexandria/Erskineville Bowling Club on Friday 2 May 2003, and that the amount of \$2,500 be added to the Revenue Estimates.

Councillor Tony Pooley (SGD)
Mayor

Moved by the Mayor, seconded by Councillor Shaw:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

9 April 2003

BOUNDARY ALTERATION – SECOND STATUS REPORT (2023447)

A minute by the General Manager dated 9 April 2003, was circulated to Councillors prior to the commencement of the Council Meeting.

Michael Whittaker (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Mallard:-

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

Carried.

At this stage it was moved by Councillor Mallard, seconded by Councillor Fowler that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, to deal with the resignation of Councillor Peter Furness from the Australian Democrats and joining the Australian Labor Party.

Carried.

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

COUNCILLORS – COUNCILLOR PETER FURNESS – MEMBERSHIP IN AUSTRALIAN LABOR PARTY

The Council notes with disappointment that the Deputy Mayor, Councillor Peter Furness has resigned from the Australian Democrats and joined the Australian Labor Party and that this Council, on behalf of the constituents of South Ward who elected Councillor Peter Furness on a strong anti-Labor platform, calls upon him to immediately resign from the Council to maintain the reputation and integrity of the office of Councillor of South Sydney Council.

Negatived.

PETITIONS

1. Councillor Furness tabled a petition with approximately 76 signatures appended requesting South Sydney City Council defer their decision regarding the development at Nos. 612 - 622 King Street, Erskineville, until a full assessment of the impact of this development on the local traffic conditions is made.

Received.

2. Councillor Lennon tabled a petition with approximately 84 signatures appended from residents of Macleay Street objecting to the development at Nos. 22 - 24 Macleay Street, Potts Point.

Received.

3. Councillor Lay tabled a petition that was received by the Planning and Development Committee on the 2nd April 2003, with approximately 175 signatures appended from residents surrounding the development application at Nos. 46A/46C Macleay Street, Elizabeth Bay, objecting to the proposal.

Received.

QUESTIONS WITHOUT NOTICE

1.

PROPERTIES – VACANT PROPERTY SOUTH DOWLING STREET AND PHELPS STREET, SURRY HILLS- QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (C59-00106)**Question:**

What is the proposal for the Council owned vacant property on the corner of South Dowling Street and Phelps Street, Surry Hills?

Answer by the Mayor:

I will have that matter clarified for you and provide a response either directly to you or through the Councillors Information Service.

2.

PROPERTIES –KNIGHT STREET, NOS. 15-23A, ERSKINEVILLE – UPDATE OF NEGOTIATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2018626)**Question:**

Could I be updated on negotiations with the owner of Nos. 15 – 23a Knight Street, Erskineville? Further, could urgent action be taken to ensure that his site is secured by the owner? It is currently being used for the dumping of rubbish and appears to have become a breeding ground for mosquitos and other vermin.

Answer by the Mayor:

I will ask the Director of Corporate Services to respond.

Comment by the Director of Corporate Services:

We are in the process of preparing a final response which will address current development approvals, parks and open space. It will include comments from the owners of the site as well as independent evaluation advice.

3.

PROPERTIES – REFURBISHMENT OF T.N.T. TOWERS – ENVIRONMENTAL REPORT - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2027963)**Question:**

Could the General Manager please show how the extensive environmental report done by staff has been integrated into the refurbishment of TNT Towers.

Answer by the Mayor:

Happy to provide a report on that issue.

4.

PLANNING –JOYNTON AVENUE, NO. 13, ZETLAND – EMAIL SITE – REQUEST TO PURCHASE LAND – SECTION 94 CONTRIBUTIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (V02-00854)**Question:**

Could Council investigate the use of Section 94 money to purchase an extra 10 metres in front of the proposed Email development to ensure the longevity of the natural environment?

Answer by the Mayor:

I don't imagine it would be an appropriate inclusion in the amended Section 94 plan, however, it will be returning to Council and if it is legal, you can certainly explore that issue at that time.

5.

HEALTH – REQUEST FOR AFTER HOURS MENTAL HEALTH SERVICES, KINGS CROSS AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2027830)**Question:**

Could the Mayor write to the State Government and ask could the Kings Cross area have some after hours mental health services?

Answer by the Mayor:

There are mental health services which operate on an outreach basis across the inner City. I am prepared to investigate the nature of those services and provide that information for you.

6.

LITTER – REQUEST TO ENFORCE CIGARETTE BUTT POLICY – VICTORIA STREET AND STANLEY STREETS, DARLINGHURST - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (F52-00004)**Question:**

Could the Ordinance Officers enforce the cigarette butt clauses of the footway licenses in Victoria and Stanley Streets?

Answer by the Mayor:

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

7.

**PROPERTIES – ST JOHN’S CHURCH – COMMUNITY OPEN SPACE -
REQUEST TO WRITE TO THE ANGLICAN ARCHBISHOP - QUESTION
WITHOUT NOTICE BY COUNCILLOR LENNON (2009419)****Question:**

Could the Mayor write to the Anglican Archbishop of Sydney and express our community’s regret with recent quotes by St. John’s that they had offered the land up twice for community open space?

Answer by the Mayor:

I will not do that until I get a response from the formal enquiry that I have made of the Church in relation to that matter.

8.

**DEVELOPMENT – PUBLIC DOMAIN PLANS – REQUEST FOR PLANS TO
GO THROUGH E.S.D OFFICER - QUESTION WITHOUT NOTICE BY
COUNCILLOR LENNON (2001479)****Question:**

Could all the public domain plans go through our E.S.D. Officer?

Answer by the Mayor:

That is a matter for the organisation of Council. I will see what is appropriate in relation to that and will provide you with a response.

9.

**URBAN PLANS – REQUEST FOR AN UPDATE ON AMENDED DCP FOR
OVERSHADOWING OF OPEN SPACES - QUESTION WITHOUT NOTICE
BY COUNCILLOR LENNON (P54-00047)****Question:**

Could I have an update on what work has been done on the amended D.C.P. for overshadowing of open spaces and could it be forwarded to the City of Sydney?

Answer by the Mayor:

I think that in the area you represent, it will be virtually impossible for such a clause in the D.C.P., but I will provide what information Council can to you as soon as possible.

10.

PLANNING – REQUEST FOR BUILDERS TO SUPPLY CERTIFICATION FOR NON-SLIP SURFACES IN RESIDENTIAL BUILDINGS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2024847)**Question:**

May we have a brief report on the best way for South Sydney Council to require all builders to supply certification of conformity with the Australian Standard (AS/NZS 4586 1999) for non-slip surfaces in all residential buildings? The certification should be available before the Occupation Certificate is issued. I am informed the approximate cost of slip resistance testing is \$340.

Answer by the Mayor:

I will ask Mr McDonald to investigate that and provide a response through the Councillors Information Service.

11.

COMMITTEES – RETENTION OF MEMBERSHIP – SEDA BUSINESS PROGRAM - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2017777)**Question:**

At yesterday's Environment Steering Committee meeting we were informed that in order to retain our membership and progress through the SEDA business program, the General Manager is required to sign a new MOU as soon as possible. Please could the General Manager confirm that this will be done?

Answer by the Mayor:

Council staff are in favour of it and we hope to deal with it as soon as possible.

Comment by the General Manager:

I have been advised by the Director of City Environment that it is sitting on his desk and once it comes up, I will put my signature on it.

12.

PARKING – REQUEST TO CHANGE PARKING SIGN – KING STREET END OF ROCHFORD STREET, ERSKINEVILLE - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2003358)**Question:**

The turning circle at the King Street end of Rochford Street, Erskineville, is currently sign posted “No Standing”. The area regularly has vehicles parking and or unloading in it making it very difficult for residents to make the necessary turn to exit the street. Could this matter be referred to the Traffic Committee with a view to making it “No Stopping”?

Answer by the Mayor:

Happy to do that.

13.

PLANNING – GREEN SQUARE MASTERPLAN – RETENTION OF OPEN SPACE - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2019106)**Question:**

Could the Mayor assure me that the open space referred to in the Green Square Masterplan for No. 904 Bourke Street, Zetland, will not be compromised by the development on the Email site and that the necessary steps are taken to identify it as future open space for Zetland?

Answer by the Mayor:

Happy to give you that assurance.

14.

ADMINISTRATION – REQUEST TO CONGRATULATE STAFF ASSOCIATED WITH smARTarts YOUTH EXPO - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2027496)**Question:**

Could the Director of Community Living please pass on my thanks and congratulations to all the staff associated with the smARTarts Youth Expo held last Saturday at Pine Street? What I saw on Saturday night was fantastic and I have since heard from numerous young people and parents that the afternoon activities were an outstanding success.

Answer by the Mayor:

Happy to pass that on to the Director of Community Living.

15.

**PLANNING –DARLINGHURST ROAD, NO. 120, DARLINGHURST –
REQUEST FOT APPLICATION TO COME TO COMMITTEE - QUESTION
WITHOUT NOTICE BY COUNCILLOR FOWLER (V03-00137)**

Question:

There is considerable concern in South Paddington at a possible amendment, or a new Development Application on the St. John's Paddington site. This heritage item, it is suggested will be the site for the transfer of a licence from the Paddington Green Hotel in the Woollahra municipality (which has been approved for retail refurbishment). Similarly, residents have been 'consulted' on having the required electricity substation to be located off site within the Zoned 6A Open Space at the end of Regent Street?

Can I have this matter come to committee when there is a proposal or amendment to any development on this site?

Answer by the Mayor:

If and when that Development Application comes, I am happy for it to come to Committee.

16.

**SPORTS – VICTORIA PARK POOL – RESIDENT CONCERNS ABOUT
POSSIBLE PRIVATISATION OF POOL - QUESTION WITHOUT NOTICE BY
COUNCILLOR BUSH (S54-00144)**

Question:

Can the Mayor write to the Lord Mayor Elect of Sydney City Council to represent the residents, pool users and staff of Victoria Park Pool against the probable privatisation of the facility?

Answer by the Mayor:

I have already spoken to the Mayor Elect in relation to that matter. When we have the opportunity to have a further discussion, I am happy to raise that issue.

17.

**STREETS – REQUEST FOR THE OPENING OF SHORT STREET,
WATERLOO TO BE PLACED ON THE TRAFFIC COMMITTEE AGENDA -
QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2002524)**

Question:

Could the opening of Short Street, Waterloo, be placed on the Traffic Committee as a matter of urgency?

Answer by the Mayor:

No.

18.

ADMINISTRATION – REQUEST FOR MEMO TO BUSINESS UNIT TO BE PLACD ON PLAN OF MANAGEMENT AGENDA - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2026037)**Question:**

A memo to Business Unit Managers dated 31 March 2003, recommends many commendable, but also many controversial recommendations. Can this document be brought forward to the next Plan of Management weekend for discussion before its implementation?

Answer by the Mayor:

I will consider it.

19.

MAYOR – REQUEST FOR MAYOR TO WRITE CONDOLENCE LETTER - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2004380)**Question:**

I would sadly inform Council of the sudden death of Peter MacNamara. Could the Mayor write to Peter's family offering condolences and recognition of his many contributions to sport and youth in the South Sydney community?

Answer by the Mayor:

I am sorry Councillor, I was unaware of that fact and will carry out that request in whatever manner we can as quickly as possible.

20.

COUNCILLORS – COUNCILLOR ATTENDANCE AT CAUCUS MEETING. - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (A54-00013)**Question:**

Residents brought to my attention that Councillor Furness has attended caucus meetings with regard to Development Applications. Caucusing on Development Applications has been ruled illegal by the I.C.A.C.

Can he confirm or deny he has been attending caucus meetings on Development Applications?

Answer by the Mayor:

I will refer that question to Councillor Furness.

Comment by Councillor Furness:

I have certainly attended meetings. Primarily the discussions were regarding Development Applications.

21.

DEVELOPMENT – BRUCE SPRINGSTEEN OPEN AIR CONCERTS, SYDNEY CRICKET GROUND - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (5277652)**Question:**

On 22 March 2003, whilst dark treachery was dwelling in the heart of a Democrat Councillor, there was also a rock concert by Bruce Springsteen at the Sydney Football Stadium. I have a letter here to table from a local resident who complains that it was excessively noisy and that the Surry Hills Police were not aware the concert was on.

Can I have a report on why this concert was approved under delegated authority, why the local police were not informed as a matter of course, why Councillors were not informed and what measures are taken to monitor the noise emissions?

Answer by the Mayor:

Happy to provide a response, but I am advised that the reason it was done under delegation was that it didn't meet the required number of objections.

22.

DEPERTMENTS – REQUEST TO CONGRATUALTE STAFF INVOLVED IN LLANKELLY PLACE LAUNCH - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (D51-00061)**Question:**

Mr Mayor, can you relay through the General Manager, Council's appreciation and congratulations to staff for the successful launch of the Llankelly Place Public Domain Improvements last Friday, 4 April 2003?

Answer by the Mayor:

I will ensure Mr Wilcoxon thanks all staff concerned with the redevelopment.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

2 April 2003

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

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

Councillors – Fowler, Furness, Lay, Lennon and Shaw

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

That the Report of the Planning and Development Committee of its meeting of 2 April 2003, be received and the recommendations set out below for Items 1, 3 to 5, inclusive, 11 and 14, be adopted. The recommendations for Items 2, 6 to 10, inclusive, 12, 13, and 15 to 17, inclusive, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

BRODRICK STREET, NOS. 1 – 11, CAMPERDOWN – ALTERATIONS AND ADDITIONS TO EXISTING BUILDING TO PROVIDE 24 RESIDENTIAL UNITS AND ONE COMMERCIAL TENANCY, GROUND LEVEL CAR PARKING FOR 24 CARS (U02-00665)

(A) That pursuant to the provisions of 80(3) of the Environmental Planning and Assessment Act, 1979, Council grants its deferred commencement consent to the development application submitted by Sydney Koh Architects, with the authority of Raynbell Pty Ltd, to incorporate the shell of the existing building and to carry out alterations and additions and to convert it to a four storey mixed uses building, provide twenty residential units and a ground floor commercial tenancy, and to provide a half basement car parking area for 18 cars and 10 bicycles, subject to completion of the following conditions, namely:-

(1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be approved in writing by the Executive Manager – Assessments, prior to lodging an application for construction certificate:

(i) 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 measures:

- (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) Selection of traffic routes to minimise residential noise intrusions;
 - (d) Soil and sediment control measures, particularly when the site is unattended during hot and windy conditions;
 - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos;
 - (f) Measures to control noise emissions from the site;
 - (g) Measures to suppress odours and dust emissions;
 - (h) Air quality management including noise, dust and the like;
 - (i) complaints handling and community consultation;
 - (j) An overall action plan for risks, safeguards and contingencies for all phases of development;
- (ii) That 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;
- (iii) That a Vehicle and Pedestrian Traffic Management Plan for all phases of the development including the demolition and construction phases. The Plan shall demonstrate the manner in which vehicles will be controlled and managed, including details on:
- (a) temporary and permanent access driveways;
 - (b) traffic/parking restrictions;

- (c) location on-site and on-street parking for construction workers;
 - (d) loading and unloading areas including waste storage;
 - (e) appropriate signage on-site at the point(s) of vehicular egress, compelling vehicles to stop before proceeding onto the public way;
 - (f) emergency access arrangements;
 - (g) pedestrian routes and protection measures;
 - (h) traffic flow impacts and traffic routes;
 - (i) the means by which traffic and parking conditions set out in Part B of this deferred commencement consent will be complied with.
- (iv) That a Waste Management Plan for the residential and retail/commercial components of the development to be approved by Council. The Plan shall provide information regarding storage, disposal, recycling and location of facilities within the building.
- (B) That the applicant must provide to the Council evidence sufficient to enable it to be satisfied of the matters in Part A within 12 months or such further period as Council may determine is appropriate upon application in writing being made to Council.
- (C) That upon compliance with the requirements of Parts A and B, a full consent will be issued, subject to the following conditions:-
- (1) That the development shall be in accordance with plans numbered DA03-DA08, inclusive, drawn by SOMA, all Issue C and dated February 2003 subject to compliance with the conditions below;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$13,860 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 instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$2,400, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (4) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and 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	\$11,143

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;

- (5) Part A

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

Contribution Category	Amount
Open Space: LGA Works Programme	\$7,458
Open Space: New Parks	\$33,592
Accessibility And Transport	\$224
Management	\$536
Total	\$41,810

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;

- (6) That equitable access shall be provided for persons with disabilities in order to access the communal roof terrace, in accordance with South Sydney Council's Equitable Access and Design Policy;
- (7) That the commercial tenancy shall be the subject of a further development application in respect of its use and fitout;
- (8) That car parking spaces and access areas shall comply fully with the requirements of DCP 11 and AS2890.1 and details to be submitted with the construction certificate;
- (9) That at least one car parking space shall be made available for disabled drivers. This space must have minimum dimensions of 3.2 metres wide x 5.5 metres long, with a vertical clearance of

2.5 metres and details of which shall be submitted with the construction certificate;

- (10) No less than one car and one motorcycle space must be provided to service the commercial component of the development. If there is a need for servicing using trucks, then the expected truck size must be able to be accommodated on-site, in a manner such that it can enter and leave in a forward direction;
 - (11) That bicycle space must be provided in the form of Class 1 type lockers;
 - (12) 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);
 - (13) 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;
- (14) That a garbage/recycling storage facility shall be located at street level in a position approved by Council's Waste Services Manager that can be accessed by a kerbside collection service. Construction of the residential garbage room, 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;

- (15) That a separate garbage /recycling storage facility for commercial use shall be located within the site at street level in a position approved by Council's Health Services Manager 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;
- (16) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (17) That hazardous and/or industrial waste arising from the demolition/operational activities shall be removed (generated) and/or transported in accordance with the requirements of the Environment Protection Authority and the NSW WorkCover Authority pursuant to the provisions of the following:
- Protection of the Environment Operations Act, 1997
 - Protection of the Environment Operations (Waste) Regulation 1996
 - Waste Avoidance and Recovery Act 2001
 - New South Wales Occupational Health & Safety Act, 2000
 - New South Wales Construction Safety Act, 1912 (Regulation 84A-J Construction
 - Work Involving Asbestos or Asbestos Cement 1983)
 - The Occupational Health & Safety Regulation 2001
 - The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996;
- (18) That drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required gutters and roadways shall be swept regularly to maintain them free from sediment. Matter is not to be washed down into the drainage system;
- (19) That building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the public footway or any other locations which could lead to the discharge of materials into Councils stormwater drainage system;
- (20) That stockpiles shall not be stored on Councils property (including nature strips) unless the prior approval of Council has been obtained and the method of storage is adequate to prevent the material being deposited into Councils stormwater system;

- (21) 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;
- (22) The construction, fitout and finishes of any proposed food premises shall comply with the Food Act 1989 and Regulations thereunder and the National Code for the Construction and Fitout of Food Premises;
- (23) 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;
- (24) 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;
- (25) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
- (i) all proposed and required mechanical ventilation systems: Standard requirement – Building Code of Australia (if using deemed to satisfy provisions: AS1668, parts 1 and 2);
 - (ii) the garbage room: Standard requirement – SSCC Waste Management/Minimisation Facts Sheets;
 - (iii) the recycling storage area: Standard requirement – SSCC Waste Management/Minimisation Facts Sheets;
 - (iv) 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;

- (26) That all relevant sections of the BCA shall be complied with;
- (27) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (28) That 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;
- (29) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (30) 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;
- (31) 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;
- (32) That the requirements of the Work Cover Authority shall be complied with;
- (33) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane:
 - (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes

outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;

- (34) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (35) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (36) 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;
- (37) That the demolition work shall comply with Australian Standard 2601-1991;
- (38) That if the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage;
- (39) 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;

- (40) 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 or 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;

- (41) 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:
 - (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) 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:

- (a) building work carried out inside an existing building, or
- (b) 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;

- (42) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;
- (43) That all vehicles must enter and exit the site in a forward manner at all times.
- (44) That all vehicles servicing the site shall be able to access, load, unload and manoeuvre wholly within the site and not encroach upon public roads.
- (45) That the applicant shall ensure that the car park drainage is designed in accordance with Council's Drainage Code. A Council

registered stormwater engineer shall certify any plans/documentation supplied by the applicant. All documentation is to be certified prior to the release of a construction certificate;

- (46) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb;
- (47) 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;
- (48) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the City Works Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a construction certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees. (Warning - to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (49) 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;
- (50) 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;
- (51) 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;
- (52) 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;

- (53) That should the applicant wish to utilise the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (54) 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;
- (55) 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;
- (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 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;
- (58) 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;

- (59) 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;
- (60) 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;
- (61) 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);
- (62) 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;
- (63) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (64) That stormwater drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with AS3500 Part 3 and Code of Standard Requirements for the discharge of stormwater;
- (65) That a certificate shall be submitted at the completion of the proposed drainage system from a registered certifier confirming that all work complies with the approved certified plans.

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.

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

Carried.

2.

**O'RIORDAN STREET, GREEN SQUARE RAILWAY STATION,
ALEXANDRIA – INSTALLATION OF AN AUTOMATED PUBLIC TOILET ON
THE PUBLIC WAY (U02-00499)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That Council:-

- (A) Grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by South Sydney City Council, for the installation of an automated public toilet, subject to the following conditions, namely:-
- (1) That the automated public toilet shall be fitted internally with a syringe disposal facility;
 - (2) 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;
 - (3) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
 - (4) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street works zone;
 - (5) That 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;
 - (6) 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 City Works;

- (7) 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. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the issue of the Construction Certificate. Further, all stormwater connections to the kerb of O'Riordan Street must be made perpendicular from the building line of the APT;
 - (8) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
 - (9) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
 - (10) Operating hours shall be unrestricted.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

3.

DARLINGHURST ROAD, NO. 22, POTTS POINT – CONSTRUCTION OF NEW EXTERNAL TIMBER SEATING PLATFORM TO DARLINGHURST ROAD AT STREET LEVEL OF THE BOURBON AND BEEFSTEAK RESTAURANT AND BAR (U02-01272)

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Marriott Restaurants Pty Ltd, with the authority of South Sydney City Council to construct a new external timber seating platform to Darlinghurst road at street level at the Bourbon and Beefsteak bar, for the following reasons, namely:-

- (1) That the development does not comply with the objectives of Clause 7 of Local Environmental Plan 1998, as the structure will adversely impact on the local community;
 - (2) That the development does not comply with Part C of South Sydney Development Control Plan 1997, as the structure will result in a permanent loss of pedestrian space;
 - (3) That the development will set an undesirable precedent with regard to pedestrian amenity in the Darlinghurst Road commercial strip;
 - (4) That the development will adversely impact on any future upgrade to the public domain in Darlinghurst Road Precinct;
 - (5) That approval of the development it will not be in the public interest; and
 - (6) That the development is considered unsuitable and inappropriate for the subject site.
- (B) Advise those who made a submission of Council's decision.
- (C) That a review be undertaken of the South Sydney Council Policy of the location of decks on the public way, in particular criteria for which these structures should be assessed.

Carried.

4.

**CROWN STREET, NOS. 470 – 474, SURRY HILLS (THE CLOCK HOTEL) –
EXTENSION OF TRADING HOURS FOR THE CLOCK HOTEL BY ONE
HOUR ON MONDAY TO SATURDAY TO ALLOW FOR 1.00AM CLOSE
(U02-01366)**

That Council:-

- (A) Refuse to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Clock Group Pty Ltd to extend Monday to Saturday trading hours to 1 am for the following reasons, namely:-
- (1) That the proposal does not comply with the Mixed Uses 10 Zone objective, of South Sydney Local Environmental Plan 1998;
 - (2) That the proposal does not comply with the objectives and requirements of South Sydney Council's DCP 1997;

- (3) That the proposal will have adverse cumulative impacts on the established character and amenity of surrounding residential areas;
 - (4) That the proposal is unsuitable and inappropriate for the site and its surrounding context particularly in relation to acoustic amenity;
 - (5) That approval of the proposal is not in the public interest.
- (B) Advise person(s) who made representations in respect of the of Council's decision.

Carried.

5.

BARCOM AVENUE, NO. 107, DARLINGHURST – AMENDMENT OF APPROVED PLANS WHICH SEEKS THE REMOVAL OF CHIMNEY, CONSTRUCTION OF REAR BALCONY AND REPOSITIONING OF REAR SKILLION ADDITION (U98-00169)

NOTE:

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

Carried.

6.

JOYNTON AVENUE, NO. 13, ZETLAND – MASTERPLAN TO DEMOLISH EXISTING BUILDINGS AND ERECT A MIXED USE DEVELOPMENT WITH NEW LANE AND NEW PARK (U02-00854)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by the Mayor:-

That Council:-

- (A) Endorse the Masterplan “Option C” submitted by Cronos Corporation Pty Ltd to erect a mixed commercial residential development with off-street parking, subject to the following recommendations:

Floor Space Ratio

- (1) That the total amount of floor space ratio for the site shall be restricted to a maximum of 2:1. Detailed surveys shall be prepared by the applicant that record the floor space at the stage of each development application;

Building Heights

- (2)
 - (a) That the envelopes of the proposed shall be generally restricted in height to those depicted on the plans numbered M15 Revision C dated October 2002 submitted with the Masterplan application;
 - (b) The height of Building B sited along Joynton Avenue shall be reduced in height by one storey to create a building of a height no greater than seven stories. Design details including the relocation and reallocation of floor space area elsewhere within the development site arising from the reduction in height shall be submitted with the Development Application;
 - (c) All buildings along Joynton Avenue shall be set back no less than 12.5 metres from the Joynton Avenue frontage. Design details of the increased set back to Joynton Avenue shall be submitted with the Development Application.
- (3) That the applicant be advised that Development Applications for structures exceeding 51.00 AHD at the southern end of the site and 57.00 AHD at the northern end of the site, will be referred to the Civil Aviation Safety Authority, Air Services Australia and the Sydney airports Corporation Limited (SACL) and will require the approval by the Department of Transport and Regional Services (DoTRS);

Heritage

- (4) That an archival photographic record of the site is to be prepared in accordance with the NSW Heritage Office guidelines prior to the commencement of demolition works. The photographs shall cover an overviews of the buildings (close-up and long-shots indicating the details and the relationship of the buildings to each other as well as to Joynton Avenue and O'Dea Avenue, views of exterior elevations, views of internal spaces, and external and internal details (eg. joinery, architraves, decorative elements, flooring, ceilings, windows and any machinery). As part of this record there is to be an amended heritage impact statement which is to including the additional details submitted to Council

by Noel Bell, Ridely Smith and Partners by facsimile on 31 October 2002 integrated into the statement;

- (5) That an interpretation strategy including details and location of proposed interpretative displays to illustrate the history, development and significance of the EMAIL site is to be prepared by a suitably qualified heritage practitioner. Any such interpretative displays are to be erected in publicly accessible locations. The strategy shall be submitted prior to any relevant development consent being issued;
- (6) That the applicant be advised that if any archaeological relics are uncovered during demolition or building works, such works are to immediately cease in the area and the NSW Heritage Office contacted. Depending on the findings an archaeological assessment and an excavation permit under the NSW Heritage Act 1977, may be required before further works can be considered in that area;

Traffic and Parking

- (7) That Council will accept a new dedicated local road having an 11.5m reservation, consisting of a 3.2m wide footway on the northern side, a 2.3m wide parking lane, and 2 x 3.0m wide traffic lanes, subject to resolution of local traffic impacts;
- (8) That the 3.0m footway along the northern side of the new lane as indicated on drawing M14 Rev C shall be altered to ensure a minimum width of 3.2m and shall be submitted to Council on a revised drawing at the development application stage;
- (9) That the proposal to close Merton Street is not accepted. The applicant must undertake further investigations, including community consultation, to examine a series of traffic management options for the new road, Merton Street, Tilford Street, Cook Lane and McPherson Lane, in accordance with the recommendation of the South Sydney Traffic Committee, prior to any agreement as to the road closure is reached;
- (10) That full details of the preferred local traffic management measures must be developed in consultation with Council and the local community, and details submitted to the South Sydney Traffic Committee with a supporting Traffic Management Plan as required by the RTA. The proposal for local area traffic management measures must be approved by the South Sydney Traffic Committee, prior to any development consent being issued;
- (11) That the proposal to treat the intersection of the new road with Joynton Avenue as an access driveway is unacceptable. The

design of these new intersections must be co-ordinated with proposed local area traffic management measures, with details submitted to, and approved by the South Sydney Traffic Committee prior to any development consent being granted;

- (12) That the site shall be limited to 4 access driveways. Two of the new access driveways will be accessed via Joynton Avenue, one via O'Dea Avenue and one via the new road at a location east of the bend;
- (13) That the driveway off O'Dea Avenue shall be restricted to left-in left out access and the driveway off Joynton Avenue near Austin Grove shall be restricted to left-in left out access;
- (14) That access driveways for any purpose off McPherson Lane will not be accepted. The applicant will be responsible for the provision of any median islands, or other treatments required to control the restricted access. Approval of the design of these treatments will be the subject of individual DA submissions;
- (15) That the car park arrangements and parking space distribution shall be such that the traffic generated at each of the 4 access driveways is consistent with those peaks presented in the traffic report by Traffix included in Appendix C of the master plan submission. In particular, the access driveway off the new road shall be limited to a maximum of 26 vehicle trips per hour, on the basis of a traffic generation rate of 0.33 trips per car space serviced during peak periods (which equates broadly to 0.29 trips per hour per unit based upon the unit mix and DCP 11 parking rates);
- (16) That the applicant shall relocate the existing pedestrian crossing presently located on Joynton Avenue north of Cook Lane. The design and location of the relocated crossing must be co-ordinated with proposed local area traffic management measures, with details submitted to, and approved by the South Sydney Traffic Committee prior to development consent being granted;
- (17) That bicycle facilities along the new road and Merton Street must be provided and co-ordinated with proposed local area traffic management measures, with details submitted to, and approved by the South Sydney Traffic Committee prior to development consent being granted;
- (18) That a minimum of 5 x Class 3 bicycle rails will be required in the new open space area. Council's standard for bicycle rails in public areas is Securabike Type BR85F or BR85B or equivalent;

- (19) That a revised proposal for servicing, including waste storage and collection, shall be developed, in consultation with Council's Waste Services Section, with details submitted to, and approved by the Council prior to development consent being granted;
- (20) That the closure of McPherson Lane will need to be done in accordance with the Roads Act 1993;

Tree Preservation and Design of Open Space

- (21) That the applicant shall adhere to all of the tree management recommendations contained in the arboricultural report prepared by Ian English dated 20 October 2002 commissioned by Council. In particular that the construction exclusion soilzone along the Joynton Avenue setback shall be enforced to protect the Ficus sp. from drainage culvert capital works;

That all development application documentation should include detailed landscape documentation including lighting, materials and finishes, levels, drainage, species location and sizes, automated irrigation, furniture setout and a tree management plan. In this regard further details shall be submitted with the relevant development application illustrating how the proposed car court will be of high quality treatment and aesthetic;

- (22) That further details shall be submitted with each development application providing details as to how there will be a distinction between public and private - communal spaces;
- (23) That the provision of private – communal space on roof tops is encouraged;
- (24) That all publicly accessible elements and communal spaces of the proposed development should be accessible and designed and constructed in accordance with Council Access and Equity policy and AS 2890.1 and AS 1428.2. All continuous accessible paths of travel should be clearly indicated on the DA plans;
- (25) That any public art and water features should be designed, commissioned and managed in accord with the Green Square Public Art Water Feature strategy;

Design of Through Site Link (TSL)

- (26) That the direction of the main north – south TSL shall be amended so that it runs through a location currently where the centre of 'Building A' is positioned and joins up with the new lane and south park at the rear of 'Building A'. The design of 'Building A' shall also be amended so that it is completely separated and not covered by any buildings. The ramp section of the main

north – south TSL shall be deleted and turned into a landscaped area. Amended details shall be submitted to Council's satisfaction in conjunction with the submission of the development application for 'Building A';

- (27) That the through site links or any publicly accessible forecourts shall remain in the ownership of the development with suitable rights of way and easements for public access created;
- (28) That the through site links should be designed in accord with the following principles:
- directly link and integrate with existing street networks and / or future access ways (as documented in the SSMP);
 - designed in accord with CPTED principles (ie clear sight lines), particularly the lighting and landscaping;
 - Designed to be completely open and not covered by buildings (with the exception of the section of Building G. The height of this Access Under point shall be no less than 2 storeys in height);
 - Accessible by a continuous accessible path of travel and compliant with AS 2890.1 and AS 1428.2;
 - Have a minimum width of 6 meters;
 - Boarded by active uses that provide for effective surveillance. In this regard it is recommended that the applicant provide Small Office Home Office (SOHO's) units at the ground level of all the buildings with frontage to the two through site links. Details shall be submitted to Council's satisfaction in conjunction with the submission of the relevant development applications;

Public Domain Improvements

- (29) That further discussions between the Owner and the Green Square Project Team shall take place to refine the public domain improvements package and that prior to any development consent for buildings or works, the detailed valuation of the public domain improvements provided to qualify for the bonus floor space shall be submitted to Council and set in a Deed of Agreement between Council and the Owner;
- (30) That the design processes for the new "South Park" encompassing Mary O'Brien Reserve undertaken by the applicant shall include a minimum of 3 public community consultation meetings. The first meeting will be to discuss issues and wishes of the residents, the second to propose options and the third to present the detailed preferred option;
- (31) That the bonus floor space quantum to be paid will be costed at the rate applying at the approval date of a development

application. The elements within the public domain improvement package are to be undertaken in the following order of priority: -

- (i) Land Dedication being a minimum 4,235m² of open space for the extension of Mary O'Brien Reserve, a minimum of 1,800m² of open space for the landscape setback along Joynton Avenue, a minimum of 1250m² of land for the provision of the new road, and a minimum of 205m² of land for the widening of the O'Dea Avenue street frontage. Further documentation, including detailed plans of subdivision documenting those areas proposed for dedication need to be submitted to Council prior to the issue of development consents for the site;
- (ii) Integrated public domain works including new and existing embellished open space shall be subject to a separate development application;
- (iii) Integrated stormwater management works for the management of upstream flood flows in accordance with Council's "O'Dea/Joynton Avenue Stormwater Drainage Design", which, subject to completion, will broadly incorporate the following elements: -
 - (a) Liaison with key stakeholders including the local community, Council and it's nominated consultants;
 - (b) Service relocations and adjustments;
 - (c) Construction of bulk earthworks to remediated land (remediation of private land does not form a part of the public domain improvements package);
 - (d) Remediation, demolition and removal of McPherson Lane pavement structures;
 - (e) Construction of 1:100 year ARI inlets, culverts and pipe systems and associated bedding details;
 - (f) Construction of stormwater inlet pits, transition and surcharge structures, outlet control structures, subsoil drainage lines and outlet pipe systems;
 - (g) Construction of gross pollutant devices;
 - (h) Construction of bioretention swales, trenches and the like;
 - (i) Oversized on-site detention systems.
- (iv) Local area traffic calming works reflecting the outcomes of further traffic investigation and community consultation broadly encompassing the following items: -
 - (a) Liaison with key stakeholders including the local community, Council and it's nominated consultants;
 - (b) Provision of interim traffic and pedestrian management works;

- (c) Design and construction of civil works including traffic calming measures, medians and islands, kerb extensions, road and footpath pavement construction and requisite drainage works;
 - (d) Provision of landscaping, road furniture and bicycle and pedestrian facilities;
 - (e) Installation of signage and linemarking.
- (v) Construction of a new 11.3 metre wide road between Merton Street and Joynton Avenue (Merton Street extension) including all necessary liaison with key stakeholders including the local community, Council and it's nominated consultants, as well as detailed design, approvals and construction tasks. The scope of construction works will generally include:
- (a) Road pavements, kerb & gutter, drainage works, traffic and pedestrian signage, and any necessary minor road works and matching adjustments;
 - (b) Footpaths, pedestrian and bicycle facilities, streetlights and street trees at 10 metre spacings and other associated vergeworks;
 - (c) Adjustments to utility services as required;
 - (d) Traffic management works covering the proposed scope of works;
 - (e) Compliance with all relevant Council requirements including, acquiring Public Liability Insurance, acquiring Road Occupancy Certificates, acquiring Road Opening Permits, and compliance with Council's construction inspection and supervision procedures.
- (vi) External footpath upgrades and vergeworks along O'Dea Avenue, Joynton Avenue, Merton Street and Tilford Street. The scope of construction works will generally include: -
- (a) Construction of new footpaths on all road frontages, including the adjustment and relocation of all utility service infrastructure as required;
 - (b) Construction of new kerb and gutter along all frontages to match the extent of footpath reconstruction including Council's roadway restoration requirements;
 - (c) Planting of street tree species of minimum size 200L, at nominal 10 metre spacings;
 - (d) Compliance with all relevant Council requirements including, acquiring Public Liability Insurance, acquiring Road Occupancy Certificates, acquiring Road Opening Permits, and compliance with

Council's construction inspection and supervision procedures.

- (vii) Through site link from O'Dea Avenue to the new road (Merton Street extension) in accordance with the principles outlined in Council's Streetscape Masterplan and the Safer by Design Guidelines;
- (32) That prior to any development consent for buildings or works on the site, a subdivision plan and a staging program that is reflective of the integral nature of the public domain improvement works shall be negotiated, prepared and submitted to Council and set in a Deed of Agreement between Council and the Owner. Building works on the site shall be coordinated with the agreed subdivision and staging program.
- (33) The Works in Kind shall be delivered as a complete package and shall be complete prior to occupation of Stage 1 on the site. This may require negotiating the staging programme and construction methodologies of the Development Applications with the Applicant. The funding of the Works in Kind design, delivery and dedication shall be drawn from the Applicant's Section 94 and Floor Space Bonus contributions. This will require a capital works cost plan to be prepared and agreed too between Council and the Applicant. In order to deliver the complete Works in Kind package prior to completion of all the development stages it may be necessary for Council to forward fund works from the Green Square Section 94 plan. This will be dependent on the final cost plan for capital works;

Stormwater Management

- (34) That the following performance criteria shall apply in the design of buildings and structures on the site:
 - (i) All proposed habitable and ground floor levels and basement car park entry levels within the site shall be a minimum 300mm above the current 1% AEP flood levels or, if determined by Council, the design 1% AEP flood levels resulting from Council's stormwater investigation, being the "O'Dea/Joynton Avenue Stormwater Drainage Design";
 - (ii) Suitable freeboard protection to basement access points (ie. lift lobby and stair wells) shall be provided;
 - (iii) Points of vehicular and pedestrian access across the 10m setback along Joynton Avenue shall be designed to ensure no restriction in the capacity of the setback area to convey stormwater flow. The capacity and design flow within the setback shall be in accordance with the results

of Council's stormwater investigation, being the "O'Dea/Joynton Avenue Stormwater Drainage Design";

- (35) That the following minimum performance criteria shall apply to all future stormwater management plans for the site: -
- (i) Detention of stormwater flows for all storms up to the critical duration, 1:100 year ARI storm event to the existing, 5 year ARI site discharge (offset by bonus FSR funds);
 - (ii) All hard paved areas shall pass through a primary and secondary treatment process prior to discharging to Council's drainage system;
 - (iii) All car-washing, water feature and landscape irrigation systems shall be based on the harvesting and re-use of stormwater;
 - (iv) All car park hardstand and driveway areas shall be drained to grease arrestors and then discharged to vegetated, landscape buffer areas prior to discharging to Council's drainage system;
 - (v) Discharge to groundwater shall be in accordance with the methodology outlined in the Sheas Creek Sub-Catchment Report (draft 2001);
 - (vi) Incorporation of water efficient planting in landscape areas;
 - (vii) Interallotment drainage systems shall not be located within any open space areas proposed for dedication to Council;
- (36) That a stormwater infrastructure report and plans shall be submitted with any development application for the site, detailing roof drainage, surface drainage, stormwater re-use & 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 Masterplan (2001);
- (37) 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 construction activities and shall be in accordance with the NSW Dept of Housing "Blue Book";

Social Planning

- (38) That a Social Impact Assessment (SIA) should be submitted for the entire site at the time of the lodgement of the Stage 1 DA. Key areas that the SIA should address:
- (i) Population and demographic change as a result of the development;

- (ii) Demand on / needs of resident and worker population in terms of services and facilities (linked to population and demographic change);
 - (iii) Capacity of existing services and facilities to meet increase demand / needs;
 - (iv) Safety and security in terms of private, semi private and public spaces;
 - (v) Linkages (physical and social) and opportunities for social interaction (within the site and the broader community); and
 - (vi) Strategies to facilitate community and place identify;
- (39) That the overall site planning as well as individual building design and public domain areas shall be developed in accordance with the principles in the *Crime prevention and the assessment of development applications* guidelines (DUAP, 2001);
- (40) That the unit mix should be in accord with Council's (draft) policy in relation to the unit type mix ratio, no greater than 50% one bedroom units;
- (41) That provision of affordable housing on-site is encouraged (through the Green Square affordable housing scheme);
- (42) That in accordance with the BCA and DCP 1997 provision of at least one unit of accessible housing in every 50, or part thereof, in accordance with AS1428 is required and shall be clearly indicated on drawings submitted with the development application;
- (43) That in accordance with the BCA, at least one unit of adaptable housing in every 50, or part thereof, designed in accordance with AS4299 is required and shall be clearly indicated on drawings submitted with the development application;
- (44) That the applicant is strongly encouraged to link the employment (and training) opportunities of the redevelopment of this site to local people. The contact details of three local employment service providers are:

Naamoro Aboriginal Employment Services Inc
104 Lawson St Redfern 2016 (02) 9318 2159

Redfern Aboriginal Corporation
11 Gibbons St Redfern 2016 (02) 8399 0187
38/36 George St Redfern 2016 (02) 9318 1496

Workventures Employment Services
Level 1 Suite 105a / 100 William Street,
Woolloomooloo (02) 9360 1566

- (45) That strategies to facilitate a sense of place and community cohesion and identity for residents of the proposed development, should be documented in the SIA that is submitted with the DA;
- (B) That in view of the provision of substantial public open space on this site, not previously envisaged, Council resolve to amend the Green Square Development Control Plan Urban Framework Plan so that the proposed open space at No. 904 Bourke Street be replaced with a perimeter type built form with a predominant height of 4 storeys;
- (C) That Council advise the people who made representation in respect of the matter.
- (D) That paragraph 6, page 24, of the Masterplan report dated 3 December 2002, be deleted:

“The proposed extension of the Mary O’Brien Reserve will replace the proposed park shown in the Green Square DCP to the immediate west of this site (No 904 Bourke Street). This alternative site is constrained by not being available now, and as it is not situated on a major thoroughfare has limited visibility and accessibility. It is recommended that Council amend the Green Square Development Control Plan Urban Framework Plan so that the proposed open space at No. 904 Bourke Street be replaced with a perimeter type built form with a predominant height of 4 storeys.”

Carried.

7.

DARLINGHURST ROAD, NO. 118A, DARLINGHURST – MASTERPLAN AND DEVELOPMENT APPLICATION – STAGE 1 MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL AND COMMERCIAL COMPONENTS WITH ASSOCIATED CAR PARKING, OPEN SPACE AND RETENTION OF CHURCH BUILDINGS (U03-00137)

- (a) That the report be received and noted.
- (b) That South Sydney Council wishes to advise that the Community of Darlinghurst consider the proposed Masterplan for 118A Darlinghurst Road, as totally inappropriate. Further Council refers to Sydney City Council to resolution of Council of 26 March 2003, which offers 2 choices to Sydney City Council:-
- (1) to lease the site from the Church for community open space
- or
- (2) that the NSW Government purchase this site and dedicated it as Community Open Space.

At the request of Councillor Shaw, and by consent, the motion be amended by the deletion of clause (b) of the recommendation and the insertion in lieu thereof of the following new clause (b), namely:-

- (b) That Council request a letter under the signature of the Mayor go to the Lord Mayor of Sydney requesting that a Public Meeting be convened by Sydney City Council prior to its consideration of the St. Johns No. 118A Darlinghurst Road, Darlinghurst, Masterplan following representations made by the community of South Sydney Council's Planning and Development Committee Meeting of 2 April 2003.

Motion, as amended by consent, carried.

8.

VICTORIA STREET, NOS. 231 – 235, DARLINGHURST – REFURBISH THE FIRST FLOOR AND MEZZANINE LEVELS OF EXISTING COMMERCIAL BUILDING FOR USE AS A LICENSED RESTAURANT (U02-01365)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Furness:-

That the Council:-

- (A) Grant consent to the development application submitted by Dale Jones – Evans Pty Ltd with the authority of Fortes-Senes Hotel Pty Ltd for permission to refurbish the first floor and mezzanine levels of the building, including infilling the rear window openings and installing doors at the Victoria Street level and stairs to replace the existing vehicle ramp, for the use of the premises as a licensed restaurant operating until 1.00 am daily, 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 \$480, 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 in accordance with the submitted plans 2 and 7 dated 6 December, 2002, plans 1,4,5 and 6 dated 10 February, 2002 and plan 10 dated 19 March, 2003 subject to compliance with the conditions below;
- (4) That the operation of the licensed restaurant shall be at all times consistent with the specific management undertakings in the submitted Plan of Management;
- (5) That the maximum number of patrons shall be limited to 248 at any one time;
- (6) That the hours of operation shall be restricted to between 12.00 midnight Mondays to Saturdays and 10.00 p.m. on Sundays with the opportunity to review after 12 months;
- (7) That no live entertainment shall be provided on the premises;
- (8) That the modifications to the building, detailed in the consultant acoustic report prepared by Acoustic Logic Consultancy Pty Ltd and required to ensure compliance with all the noise restriction control conditions in this consent relevant to the operation of the licensed restaurant use, shall be completed and a certificate verifying compliance from a suitably qualified and practicing acoustic consultant submitted to Council, prior to the issue of the Occupation Certificate;
- (9) 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 1.00am 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 7.00am and 1.00 am;
- (10) 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;
- (11) That all loading and unloading shall be carried out via the Victoria Road entrance;
- (12) That no garbage and/or bottle storage or garbage removal, other than the removal of waste from the proposed grease arrestor, shall occur in Hayden Lane.
- (13) That the mezzanine level shall at no time be used as part of the restaurant dining or bar area and shall be closed off to the public.
- (14) That the applicant shall enter into a commercial contract for the collection of trade waste. A copy of the agreement shall be lodged at Council's One Stop Shop for referral to the Health Services Manager, prior to the issue of a Construction Certificate;
- (15) That sanitary facilities for people with disabilities shall be provided in accordance with the requirements of F2.4 of the BCA;
- (16) That the developer shall provide access for persons with disabilities to the minimum requirement of a travelator designed in accordance with AS 1735.7. Note: That the travelator shall not impede the egress requirement in Part D of the BCA;
- (17) That the proposed brickwork shall match the existing brickwork, to be detailed with the application for a Construction Certificate;
- (18) That no people (commonly known as "spruikers") shall be on the property or the public way, publicising the use of the premises;
- (19) That no flashing, moving or intermittent lighting shall be installed on the premises or on any external sign associated with the development;
- (20) 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;

- (21) That the proposed signage shall;
- (a) not flash, move, be animated, scintillate or be decorated with rotating flashing lights at any time without the consent of the Council;
 - (b) not have attached apparatus to provide any sound;
 - (c) be neatly affixed to the building (any damage caused shall be promptly repaired with matching materials);
 - (d) not cover any architectural features or windows;
 - (e) not carry a message(s) which is offensive;
- (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 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;
- (24) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (25) That 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;
- (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 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;
- (28) 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;

- (29) 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;
- (30) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (31) 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;
- (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) 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;
- (34) That wastewater arising from the food preparation areas shall be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The application is advised that pre treatment of wastewater may be a requirement of the Corporation prior to the discharge to sewer. Details of the Corporations requirements should be obtained prior to the commencement of work;
- (35) 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;
- (36) That all relevant sections of the BCA shall be complied with;
- (37) 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;
- (38) 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;
- (39) That the requirements of the Work Cover Authority shall be complied with;
- (40) 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;
- (41) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (42) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (43) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (44) That the demolition work shall comply with Australian Standard 2601-1991;
- (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 proposed work shall be constructed in Type (C) construction in accordance with the requirements of specification C1.1-(5) of the BCA;
- (b) 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;
- (c) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (d) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (e) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (f) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (g) That portable fire extinguishers shall be installed in the kitchen area adjacent to the cooking appliances;
- (h) 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;
- (i) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (j) 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;
- (k) 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;
 - (iii) 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;
- (l) 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;
 - (m) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
 - (n) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
 - (o) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
 - (p) 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;
 - (q) That the door to a fully enclosed sanitary compartment shall comply with the requirements of clause 3.8.3.3 of the BCA;
 - (r) That all glazed assemblies shall comply with clause B1.4(h) of the BCA;
 - (s) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
 - (t) That equipment shall be separated in accordance with the requirements of Part C of the BCA.
 - (u) That handrails and balustrades shall be provided in accordance with the requirements of Part D of the BCA.
 - (v) That exit widths including paths of travel shall comply fully with the requirements of Part D.1.6 of the B.C.A.

- (w) That the mezzanine level shall not be enclosed to form a “story”.
- (x) That the stairway, service the mezzanine level shall be redesigned to comply with the requirements of Part D of the BCA.

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

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

NOTE 1: The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution offence if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur which results in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

NOTE 2: Your attention is drawn to the requirements of the Smoke-Free Environment Act, 2000, which prohibits smoking in all enclosed public spaces. An enclosed public space means a place having a ceiling or roof and, except for doors and passageways, completely or substantially enclosed, whether permanently or temporary. Under the Act there is an onus of responsibility on both individual and occupiers of premises to refrain and prevent smoking within defined smoke-free areas;

NOTE 3: Prior to the commencement of food handling operations, the food business must notify the NSW Health Department of the following information including:

- Contact details for the food business including the name of the food business and the name and address of the proprietor of the business;
- The nature of the food business; and

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

You may notify the NSW Health Department via the Internet on www.foodnotify.nsw.gov.au or hard copy using the attached notification form.

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

- (46) That the mechanical ventilation for the kitchen exhaust be moved closer to the Victoria Street frontage in accordance with details submitted to the satisfaction of the Director of City Environment.
- (B) That the persons who made representation regarding the application be notified of Council's decision.

At this stage, Councillor Fowler requested for a show of hands.

Motion carried 5 votes to 4.

9.

PYRMONT BRIDGE ROAD, NOS. 2 – 50, LOTS 4 AND 5, CAMPERDOWN – DEMOLITION OF EXISTING BUILDINGS, ERECTION OF 3 X RESIDENTIAL FLAT BUILDINGS CONTAINING 451 UNITS AND PROVISION OF BASEMENT LEVEL PARKING FOR 400 CARS (U02-01049)

Deferred for a one month period to allow for further consultation and negotiations of plans.

Moved by Councillor Lay, seconded by Councillor Harcourt.

- (A) That Council, as the consent authority, resolve to support the SEPP 1 objection in relation to the non-compliance with the statutory floor space ratio, as such will not result in any unreasonable impacts on the amenity of adjoining properties or the locality.
- (B) That Council, as the consent authority, resolve to support the SEPP 1 objection in relation to the non-compliance with the statutory height limit, as such will not result in any unreasonable impacts on the amenity of adjoining properties or the locality.
- (C1) That Council as the consent authority and pursuant to the provisions of Section 80(3) of the Environmental Planning & Assessment Act, 1979, that the development application be granted deferred commencement consent, subject to the completion of the following, namely:-
- (a) 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.
- (b) 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.
- (c) A revised Landscape Plan prepared by a qualified landscape architect, which shall outline the additional landscaping to be provided within the 5 metres setback of the eastern wing required by this consent and referred to in Condition C1 (f).
- (d) A Public Art and Historical Interpretation Strategy, having regard to the previous use of the site by the Royal Alexandra Hospital for Children. 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 City Quarter development (not necessarily within Lots 4, 5 or 7). 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. In this regard, the applicant shall also be required to liaise directly with the New Children's Hospital Westmead.
- (e) 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 D 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.

- (f) That the eastern wing of Building 'A' shall be set back a further 5 metres over all floors, adjacent to the extension to Layton Street.
- (g) That the amended plans shall depict the following unit mix:-
 - 332 one bedroom units
 - 89 two bedroom units
- (h) That adequate provision shall be made for garbage collection, service vehicles and furniture trucks to service the needs of the development in a safe and efficient manner, clear of public streets and places, to the satisfaction of Council's Director of City Works.
- (i) That a consulting arborist report (including the supervision and protection of trees) shall be submitted for all trees to be retained or transplanted to the Director of City Works for approval prior to the release of the development consent.
- (j) An Environmental Management Plan (EMP) shall be developed and submitted for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include, but not necessarily be limited to the following measures:-
 - (i) Environmental goals, targets, milestones, budgets and expected outcomes;
 - (ii) Implementation of the findings and recommendations of other management and action plans referred to in this consent;
 - (iii) measures to suppress odours and dust emissions;
 - (iv) soil and sediment control measures, particularly when the site is unattended during hot and windy conditions;
 - (v) measures to control noise emissions from the site;
 - (vi) measures to identify hazardous and industrial wastes and the procedures for removal and disposal, including asbestos;
 - (vii) air quality management including noise, dust and the like;
 - (viii) complaints handling and community consultations;
 - (ix) compliance with all conditions of this consent;
 - (x) an overall action plan for risks, safeguards and contingencies for all phases of development.

- (k) That the applicant submit subdivision plans which depict relevant RLs which outline the form of stratum subdivision sought in this proposal.
- (l) That prior to the commencement of works associated with the excavation, sorting and storage of contaminated soil, a comprehensive Soil and Water Management Plan shall be submitted to Council for approval. The plan shall be site-specific and must include, but not necessarily limited to:-
 - (i) identifying the built and natural drainage patterns of the areas proposed to be disturbed and likely to be impacted by the proposal;
 - (ii) identifying existing overland flow paths in areas proposed to be disturbed and proposed divergence contingencies;
 - (iii) identifying the capacity of sedimentation devices/ponds based on a quantitative analysis of the catchment area; and
 - (iv) identifying the location and type of all proposed pollution control devices (sedimentation fences and barriers, etc).
- (m) That in exchange for the 0.11:1 bonus FSR over Lots 4, 5 and 7, the applicant and the consent authority shall enter into a Deed of Agreement establishing the parameters for the carrying out of public domain works proportionate to the 6,200m² of additional floor space over those allotments and to the value of \$2.4 million. The Deed of Agreement is to be to the satisfaction of the Director City Environment and to be executed prior to the release of the construction certificate.
- (C2) The applicant must provide to the Council evidence sufficient to enable it to be satisfied of the matters in Condition C1 within twelve months or such further period as Council may determine is appropriate upon application in writing being made to Council.
- (D) Upon compliance with the requirements of Conditions C1 and C2, a full consent will be issued, subject to the following conditions, namely:-
 - (1) That the development shall be in accordance with plans numbered DA01-DA24, inclusive, dated 18 September, 2002 and drawn by Fender Katsalidis Architects and landscape plan 15 la 0501 Revision 'A', dated 19 September, 2002 and drawn by dem Landscape Architecture, subject to compliance with the conditions below;
 - (2) That the development shall take place in stages and detailed construction certificate applications and landscaping staging plans shall be submitted and approved prior to the commencement of each stage;

- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$177,345 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (4) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$114,230, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (5) That the height of the buildings shall be limited as follows:-
 - Building 'A' – 15 storeys to RL67.5
 - Building 'B' – 12 storeys to RL58.8
 - Building 'C' – 12 storeys to RL51.5
- (6) That the gross floor area of the buildings shall be limited as follows:-
 - Building 'A' – 17,262m²
 - Buildings 'B' and 'C' combined – 16,615m²
- (7) Car parking on the site shall not exceed the following rates:-
 - 0.5 spaces per bed-sitter,
 - 0.7 spaces per one bedroom unit,
 - 1 space per two bedroom unit,
 - 1.2 spaces per three bedroom unit,
 - 1 visitor space per 6 units.
- (8) That the applicant shall relocate the existing pedestrian signals in Pymont Bridge Road between Layton Street and Lyons Road to the intersection of Layton Street. A median strip shall be installed to restrict traffic travelling from Layton Street across Pymont Bridge Road and into the private estate road;
- (9) That all residential waste shall be collected on-site;
- (10) That the applicant shall ensure that at least 60% of all bicycle lockers are of Class 1 type;

- (11) That car parking areas shall be designed in accordance with DCP 11 – Transport Guidelines for Development, and AS2890.1, with particular attention to parking for people with disabilities and the provision of near level transitions of at least 6 metres inside the building line (particularly in areas of potential conflict with pedestrians and passing vehicles;
- (12) That bicycle parking shall be provided and designed in accordance with DCP 11 and AS2890.3;
- (13) That the cost of all street works, including the provision of roads, footpaths, services, traffic management, traffic signals, traffic and parking signage, landscaping, lighting and street furniture within the development and where it connects to adjacent roads shall be provided by the developer at no cost to Council or the Roads and Traffic Authority;
- (14) That unless superseded by this consent, the applicant shall be required to comply with the conditions of consent to DA U01-01043, approved by Council on 8 May, 2002;
- (15) That all servicing within the site and connections to existing networks required for servicing of the site (electricity, gas, coaxial cabling, etc) shall be underground (contact shall be made with Energy Australia, Telstra, AGL and Optus in this regard). The cost of this work will not be offset against any Section 94 Contributions required for the site;
- (16) That the applicant/owner shall fully meet the cost of any alteration or adjustment to existing public services immediately adjacent to the site affected by the proposed work, including the relocation of electric light poles or other services and the cost of Council's subsequent restoration of the pavement (unless other arrangements are made with the Director of City Works);
- (17) That the cost of signposting for alteration of any kerb-side parking restrictions required to compliment the new development shall be borne by the developer/owner. The work shall be done by Council, unless the Director of City Works approves other arrangements in writing;
- (18) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (19) 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	\$214,925

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;

(20) 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	\$143,853
Open Space: New Parks	\$648,053
Accessibility And Transport	\$4,343
Management	\$10,330
Total	\$806,579

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;

- (21) That the trees to be retained and transplanted shall be numbered and monitored by an arborist to check the health of the trees during demolition, excavation and construction;
- (22) That the works associated with the excavation, sorting and storage of contaminated soil shall comply fully with the provisions of the "Environmental Management Plan at the Royal Alexandria Hospital for Children, Pyrmont Bridge Road, Camperdown, NSW" reference No. 50663-9, REP. Prior to the commencement of activities, the EMP shall be independently reviewed and amended as required to the satisfaction of the Director of City Environment;
- (23) That any material used to back fill excavations shall be validated in accordance with the requirements of the NSW EPA's Contaminated Sites Sampling Design Guidelines;
- (24) That no water or other matter shall be released into the stormwater system that exceeds the criteria of the ANZECC Australian Water Quality Guidelines for Fresh and Marine Waters;
- (25) That any hazardous and/or industrial wastes arising from the operation shall be removed by a transporter licensed by the Environment Protection Authority pursuant to the Waste Minimisation and Management Act 1995 and Regulation thereunder;

- (26) That the applicant and/or builder shall, prior to the commencement of work, install and maintain suitable measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. The applicant and/or builder is advised that it is an offence to allow, permit or cause materials to pollute or be placed in a position that they may pollute waters;
- (27) That all vehicles involved in the development process and departing the site with demolition materials, spoil of loose matter shall have their loads fully covered before entering the public roadway;
- (28) That the excavated material, construction supplies and on-site debris be stockpiled within the property and not encroach upon the footpath, nature strip or road;
- (29) That any fill brought into the site shall be consistent with clean soil already on the site;
- (30) That the developer shall make an application to the City Works Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site work, prior to work commencing (Warning – to ensure that future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (31) That, before erecting any hoarding, an application must be made to the Director of City Works for a Builder's Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of City Works;
- (32) That prior to the release of a construction certificate for any Stage 2 development application, the developer/owner shall make an application to the Director of City Works for the provision of the necessary footway crossing and also bear the cost of the crossing and reinstatement of the footpath where any existing crossings adjacent to the site are no longer required (such approval is required under the Roads Act 1993). The work shall be done by the Council, unless other arrangements are approved in writing by the Director of City Works;
- (33) 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. All details of stormwater discharge shall be approved by a Council-registered

stormwater certifier prior to the approval of any detailed construction certificate;

- (34) That only clean and unpolluted water shall be permitted to discharge from the subject development/site into Council's stormwater system, in accordance with Council's requirements;
- (35) That the applicant and/or builder shall, prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include:-
 - (a) siltation fencing;
 - (b) protection of the public stormwater system; and
 - (c) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public space;
- (36) 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, dangerous or prejudicial to health;
- (37) That the use of the premises shall not give rise to:-
 - (a) transmission of 'offensive noise' to any place of different occupancy, or
 - (b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content;
 - (c) a sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Environmental Noise Control Manual, or a sound pressure level at any affected premises that exceeds the NSW, EPA recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises (NSW, EPA Draft Stationary Noise Source Policy).
- (38) That a Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 in respect of the proposed development shall be submitted to Council prior to issuing an

occupation certificate. Sydney Water may require you to construct works and/or pay developer charges and accordingly, you should make immediate application to avoid problems in servicing the development;

- (39) That, 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;
- (40) That, 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;
- (41) 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.
- (42) 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);
- (43) That the car park and recreation area shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia;

- (44) That the garbage rooms and garbage shutes shall be constructed in accordance with Council's Waste Management/Minimisation fact Sheets;
- (45) The applicant and/or builder shall prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Councils stormwater drainage system during construction/demolition. Measures must include:
- (a) Siltation fencing
 - (b) Protection of the public stormwater system; and,
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place;
- (46) That drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required gutters and roadways shall be swept regularly to maintain them free from sediment. Matter is not to be washed down into the drainage system;
- (47) That stockpiles shall not be stored on Councils property (including nature strips) unless the prior approval of Council has been obtained and the method of storage is adequate to prevent the material being deposited into Councils stormwater system;
- (48) That eight parking spaces shall be converted to four car washing bays and those bays shall be graded and drained to the sewerage system in accordance with the requirements of Sydney Water.
- (49) 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;

- (50) That all cooling towers and warm water systems shall be operated and maintained in accordance with AS 3666.2:1995, (or AS 3666.3:2000 subject to prior notification to Council) the Public Health Act 1991, and Public Health (Microbial Control) Regulation 2000;
- (51) 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) all required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
 - (c) all proposed mechanical ventilation systems and fire precaution features: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (52) That all relevant sections of the BCA shall be complied with;
- (53) 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;
- (54) 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;
- (55) 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;
- (56) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;

- (57) 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;
- (58) 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;
- (59) That the requirements of the Work Cover Authority shall be complied with;
- (60) 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;
- (61) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane:
- (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (62) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (63) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;

- (64) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (65) 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;
- (66) That the demolition work shall comply with Australian Standard 2601-1991;
- (67) That if the soil conditions require it:
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage;
- (68) 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;

- (69) 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;

- (70) 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:
- (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) 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:

- (a) building work carried out inside an existing building, or
- (b) 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.

Note 1:

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

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

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

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

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

Carried.

10.

MOORE PARK ROAD, NO. 352, PADDINGTON – ALTERATIONS AND ADDITIONS TO A BOARDING HOUSE INCLUDING A CHANGE OF USE TO A RESIDENTIAL FLAT BUILDING WITH ENLARGEMENT OF REAR GARAGE (U02-00601)

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 Locbard Developments Pty Ltd, for alterations and additions to a boarding house including a change of use to a residential flat building with enlargement of rear garage at land known as No. 352 Moore Park Road, Paddington, 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) A revised street address which reinstates the original façade by incorporating design elements, features, balustrading, parapets, ornaments, materials, colours, finishes, entrance steps, openings and tessellated tile path reflective and representative of the original façade and in keeping with the overall character of the conservation area.
- (b) Design details including architectural plans, perspectives, photomontages and sample board shall be submitted to

demonstrate the extent to which the original façade will be restored.

- (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 plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted with the Construction Certificate:
 - (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) 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;
 - (d) That vertical separation between openings in external walls shall be provided by construction that is non-combustible and having a fire resistance level of at least 60/60/60 and in accordance with C2.6 of the BCA;
 - (e) Balustrade shall comply fully with the requirements of Clause D.2.16 of the BCA;
 - (f) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
 - (g) That an opening in a wall providing access to a ventilating pipe, garbage or other service shaft shall be protected in accordance with the requirements of C3.13 of the BCA;

- (h) That the services passing through a floor shall either be installed in shafts with construction having a fire resistance level of > or protected in accordance with C3.15 of the BCA;
- (i) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (j) That the underside of all timber floors including beams and columns shall be constructed of materials having resistance to the incipient spread of fire to the above floor of one hour;
- (k) That the rooflights or the like shall comply with Specification C1.1-3.6 of the BCA;
- (l) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (m) 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;
- (n) 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;
- (o) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
- (p) 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;
- (q) That exit doors shall be altered so as to open in the direction of travel and shall be recessed so as not to open

over the footway and shall be readily openable without the use of keys at all times during occupancy;

- (r) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (s) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (t) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (u) 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;
- (v) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (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 clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
- (y) That all damp and weatherproofing provisions shall be in accordance with Part F1 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 walls between flats or units shall be constructed of materials having weighted sound reduction indices in accordance with F5.4 of the BCA;

- (dd) That the walls dividing a bathroom, laundry or kitchen in one flat from a habitable room in an adjoining flat shall have a weighted sound reduction index of not less than 50 and shall be constructed in accordance with the requirements of F5.5 of the BCA;
 - (ee) That the floors between the flats shall be constructed of materials having weighted sound reduction index of not less than 45 in accordance with the requirements of F5.3 of the BCA;
 - (ff) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of F1.4 of the BCA;
 - (gg) That the door to a fully enclosed sanitary compartment shall comply with the requirements of clause 3.8.3.3 of the BCA;
 - (hh) That all glazed assemblies shall comply with clause B1.4(h) of the BCA;
 - (ii) That all relevant sections of the BCA shall be complied with;
- (2) 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;
 - (3) 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;
 - (4) That existing and proposed stormwater details and certificate shall be submitted with the Construction Certificate;
 - (5) 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;
 - (6) That the requirements of the Work Cover Authority shall be complied with;

- (7) 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;
- (8) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane:
 - (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (9) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (10) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (11) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (12) 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;
- (13) That the demolition work shall comply with Australian Standard 2601-1991;
- (14) That if the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage;
- (15) 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;

- (16) The applicant shall enter into a Deed of Agreement with Council or a community housing organisation operating in the area and registered with the Department of Housing, prior to the release of the occupation certificate, to mitigate the loss of low cost housing resulting from the proposed development. The Deed shall specify:
- (a) the amount of monetary contribution to be paid by the applicant;
 - (b) how the contribution will be allocated by Council or the housing organisation for the purposes of providing low cost housing in the local area;
 - (c) when the contribution will be allocated; and
 - (d) that the contribution shall be paid by the applicant in full prior to the issue of the occupation certificate.
 - (e) Costs associated with preparation of the Deed shall be borne by the applicant;
- (17) The existing front fence is to be retained and any repairs are to match the original detailing. The front gate is to be repaired and reinstated to match that of No. 348. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate.

- (18) A detailed test be carried out to determine whether the paint on the sandstone base of the front fence can be removed without damaging the sandstone. If the paint stripping process is likely to cause damage then the wall is to be painted in a colour to match as closely as possible the original sandstone. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate.
- (19) The tessellated tile path in front of the existing building and the tiled section at the base of the entrance steps be retained. Any repairs are to match original details. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate.
- (20) The balustrading of the second floor front balcony facing Moore Park Road is to be of metal construction matching that of the first floor to maintain consistency and in keeping with the overall character of the conservation area. Details are to be submitted with the Construction Certificate;
- (21) The balustrading on the third level balcony be of masonry construction, not of glass, so that it reads as a parapet in keeping with the character of adjoining terraces which all have parapets. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate.
- (22) The external colour scheme of the proposed buildings is to comprise predominantly earthy tones in keeping with the overall character of the conservation area. Details are to be provided with the Construction Certificate.
- (23) An archival record of the existing building be prepared and submitted to Council prior to demolition or commencement of works whichever is the earliest. The record is to include scaled floor plans of the existing building, a chronological history of the development of the site and a photographic record. The photographic record is to be prepared in accordance with the NSW Heritage Office guidelines and is to include black and white archival quality 35mm photographs, coloured photographs, proof sheets, negatives, and photographic location of reference sheets. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate.
- (24) All windows on the western elevation must be of obscure glass. Details are to be provided with the Construction Certificate.

- (25) All residents of the development must be advised that they will not be eligible for parking permits.
- (26) That the applicant shall remove the encroaching balcony and shade structure over the public way in Leinster Street confirmation of which shall be submitted with the Construction Certificate.
- (27) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb and details of confirmation of which shall be submitted with the Construction Certificate.
- (28) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under 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;
- (29) 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.
- (30) 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;
- (31) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing of an Occupation Certificate;
- (32) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (33) That 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;

- (34) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (35) That 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, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;
- (36) 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 details of which are to be submitted with the Construction Certificate;
- (37) 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;
- (38) 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;
- (39) 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;
- (40) 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;

- (41) 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;
- (42) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time and details of which to be confirmed with the Construction Certificate;
- (43) 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;
- (44) That a garbage /recycling storage facility shall be located within the site at street level in a position 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;
- (45) That stormwater drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with AS3500 Part 3 and Code of Standard Requirements for the discharge of stormwater;
- (46) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$8,580.00 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;
- (47) 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	\$166
Open Space: New Parks	\$744
Accessibility And Transport Management	\$5
	\$12
Total	\$926

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

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

where:

C is the original contribution amount as shown above;

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

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

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

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

Note: No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs.

Endorsed DA and construction plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

Part B

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

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

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

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

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

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

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

- (48) 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	\$247

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;

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

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

NOTE 1: The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution offence if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur which results in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

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

Carried.

11.

DUNNING AVENUE, NOS. 26 – 34, UNIT 10, ROSEBERY – CHANGE USE OF UNIT 10 FROM LIGHT INDUSTRIAL/WAREHOUSE TO A CHILD CARE CENTRE (U02-00835)

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 2 April 2003.

Carried.

12.

WILLIAM STREET, NO. 248, POTTS POINT; OXFORD STREET, NO. 138, DARLINGHURST; BOTANY ROAD, NOS. 312 – 318, ALEXANDRIA; MISSENDEN ROAD, NOS. 119 – 143, CAMPERDOWN; COWPER WHARF ROAD, NO. 503, WOOLLOOMOOLOO; ABERCROMBIE STREET, NOS. 296 – 304, DARLINGTON - PROPOSED LOCATIONS FOR COFFEE CARTS (U02-00836, U02-00837, U02-00838, U02-00839, U02-00840, U02-00841)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That Council:-

- (A) Grants its consent under the Environmental Planning and Assessment Act, 1979, for the following development applications.

U02-00836 - 248 William Street, Potts Point (subject to the following conditions and the conditions contained within schedule 1 of this report):

1. That the development is conducted in accordance with plans and documentation submitted with development application U02-00836;
2. That the operating hours will be restricted to the following:

Location	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Kings Cross	7am-7pm	7am-7pm	7am-7pm	7am-7pm	10am-4am	10am-4am	10am-4am

The operating hours are to be reviewed after a six-month trial period.

U02-00837 – 138 Oxford Street, Darlington (subject to the following conditions and the conditions contained within schedule 1 of this report):

1. That the development is conducted in accordance with plans and documentation submitted with development application U02-00837;
2. That the operating hours will be restricted to the following:

Location	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Taylor's sq	9am-7pm	9am-7pm	9am-7pm	9am-7pm	10am-2am	10am-2am	10am-2am

The operating hours are to be reviewed after a six-month trial period.

U02-00838 – 312-318 Botany Road, Alexandria (subject to the following conditions and the conditions contained within schedule 1 of this report):

1. That the development is conducted in accordance with plans and documentation submitted with development application U02-00838;
2. That these operating hours will be restricted to the following:

Location	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Green sq	7am-7pm	7am-7pm	7am-7pm	7am-7pm	7am-7pm	N/a	N/a

The operating hours are to be reviewed after a six-month trial period.

U02-008389 – 5030 Cowper Wharf Road, Woolloomooloo (subject to the following conditions and the conditions contained within schedule 1 of this report):

1. That the development is conducted in accordance with plans and documentation submitted with development application U02-00839;
2. That the operating hours will be restricted to the following:

Location	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Woolloomooloo	7am-7pm	7am-7pm	7am-7pm	7am-7pm	10am-midnight	10am-midnight	7am-7pm

These operating hours are to be reviewed after a six-month trial period.

U02-00841 – 296-304 Abercrombie Street, Darlington (subject to the following conditions and the conditions contained within schedule 1 of this report):

1. That the development is conducted in accordance with plans and documentation submitted with development application U02-00841;
2. That these operating hours will be restricted to the following:

Location	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Abercrombie	7am-7pm	7am-7pm	7am-7pm	7am-7pm	7am-7pm	N/a	N/a

The operating hours are to be reviewed after a six-month trial period.

- (B) That Council refuse to grants its consent under the Environmental Planning and Assessment Act, 1979 for development application U02-00840 (119-143 Missenden Road, Camperdown) for the following reasons:
- (1) The proposed development does not comply with Section 5.2 – Land Use and Transport Strategy for a Sustainable South Sydney in that the proposal does not facilitate a safe pedestrian network;
 - (2) That the proposed development does not comply with Clause 7(c) of South Sydney Local Environmental Plan 1998 as the proposal does not reinforce the objectives of the Strategy for a Sustainable South Sydney;
 - (3) That the proposal is not in the public interest.
- (C) That the following schedule of conditions be attached to the applications which have been granted development consent:
- (1) That the development consent is limited to five years from the date of the determination by Council;
 - (2) That 6 months prior to the expiry of the consent, the licensee is to submit a further development application to Council for the continued use of the coffee carts;
 - (3) That the council will fix the boundaries of the licence area with survey marks;
 - (4) That the applicant enter into a Deed of Licence with Council and have City Environment mark the site before occupying the public way;
 - (5) That the applicant pay all legal costs associated with the preparation of the Deed of Licence;
 - (6) That if the Licensee agrees to proceed, pays the valuation fees charged in providing a valuation service used to determine the rental rate of the site;
 - (7) That the rental is to be subject to CPI increases;
 - (8) That Council may withdraw the licence if:
 - (a) The licensee breaks any conditions of this approval (seven days notice);

- (b) The operation of the licence area disrupts or inconveniences pedestrians, traffic or adjoining properties (one month's notice);
 - (c) The area is needed for road construction (three month's notice);
- (9) That the Deed of Licence may be terminated upon six months written notice by Council;
- (10) That, upon termination of the Deed of Licence all improvements be removed from the area. If the improvements have not been removed to the satisfaction of the Director of City Works within 28 days of written notification from the General Manager, Council may completely remove the improvements;
- (11) The licensee shall take out and maintain public risk insurance in the name of the licensee noting Council's interest as principals which:
 - (a) Indemnifies Council against any claims arising from the present installation and mounting of the mobile coffee cart and the conduct of business on the footway;
 - (b) Applies from the time the licence is granted until one month after it expires;
 - (c) Is for at least \$10,000,000 or any other amount required by Council;
 - (d) Is with an insurance company approved by the General Manager in writing;
- (12) That a contractual agreement be entered into by the licensee and an adjoining business for the use of toilet facilities for the attendant at the coffee cart. Details of this agreement are to be submitted to Council prior to the issuing of the Licence;
- (13) That the Mobile Cart be located within the marked area as Approved by Council;
- (14) That the applicant ensures adequate passageway for pedestrians at all times;
- (15) That the applicant raise no objection should it be found necessary to lay public services within the Licence area and claim no compensation in respect of any damage to or disruption of the area or improvements;

- (16) That the applicant comply with the requirements of all Public Utility Authorities or their authorised agents which may arise as a result of the Deed of Licence;
- (17) That the applicant shall show evidence of daily trade waste contract;
- (18) That the applicant maintain the Licence area and the close proximity surrounding the Licence in a clean and tidy condition to the satisfaction of the Director of City Works;
- (19) That the applicant shall keep the pavement area and the gutter in the vicinity of the licence area free of cigarette butts at all times;
- (20) That the applicant pay all water, sewerage and municipal rates and taxes as levied;
- (21) That the applicant shall not fix the mobile coffee cart to the pavements without the approval of the Director City Works;
- (22) That, where a company is to hold the licence provide personal guarantees from the directors or shareholders for any liabilities incurred with respect to the licensee;
- (23) That the licensee must get approval from the Director City Environment to place any advertising in the licence area and must limit the advertising to items such as food and drink associated with the restaurant trade. A-Frame advertising boards or the like are not permitted within the licence area;
- (24) Before commencing operation, the licensee shall lodge a licence fee bond or a bank guarantee with the Chief Financial Officer equivalent to two months licence fee for the licence area). The bond will be refunded after the date of Council's termination of the Licence Agreement provided there is no outstanding rent owing on the licence;
- (25) That the licence fee bond is not transferable between licensees in the event of change of ownership of the business;
- (26) The Licensee shall allow Public Utility Authorities and their authorised agents or contractors access to the licence area for repair, maintenance or construction works, and will not claim compensation from Council for any damage caused by these works;
- (27) That "Protective bollards" are to be erected by the licensee in situations as directed by the Director City Works and to his satisfaction;

- (28) That the licensees shall be responsible for any damage to Council's footway caused by installing, maintaining, removing or use of the mobile coffee cart facilities;
 - (29) That the Licence can be assigned;
 - (30) That compliance shall be given to the provisions of:
 - (a) The Food Act, 1989 and the Food Regulation, 2001;
 - (b) Chapter 3 (excluding Standard 3.2.1) of the Food Standard Code incorporated in the Food Regulation, 2001;
 - (c) The National Code for Food Vending Vehicles;
 - (d) The Protection of the Environment Operations Act, 1997;
 - (31) That no food preparation other than the making of liquid coffee/tea beverages shall be conducted at the coffee cart;
 - (32) That an adequate supply of soap and single use hand drying facilities convenient to the wash hand basin shall be provided at all times at the coffee cart;
 - (33) That the coffee cart shall be provided with an adequate supply of potable water;
 - (34) That music or other sound devices shall not be used to attract customers;
 - (35) That a suitable garbage/waste receptacle shall be provided within the coffee cart or in an approved location;
 - (36) That garbage/waste shall be removed from the coffee cart daily and disposed of at an approved location;
 - (37) That the coffee cart shall be kept within the area designated and approved by Council at all times.
- (D) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

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

13.

KING STREET, NOS. 612 – 622, ERSKINEVILLE – DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF A MIXED USE DEVELOPMENT INCORPORATING THREE RETAIL UNITS, 23 RESIDENTIAL UNITS AND 24 CAR SPACES (U01-01276)

- (A1) Pursuant to the provisions of Section 80(3) of the Environmental Planning and Assessment Act, 1979, Council grants its deferred commencement consent to the application by Turner and Associates, Architects, with the authority of Fox Property Group, Sunshine Estates Pty Ltd and Dora Constructions Pty Ltd to the demolition of the existing building and the construction of a building containing 3 retail shops and 23 residential units, subject to the following conditions:-
- (1) That the consent shall not operate until the applicant has provided details responding to the following matters and these have been agreed to in writing by the Director of City Environment.
 - (a) To qualify for a floor space bonus in accordance with the South Sydney Development Control Plan 1997 – Urban Design, the applicant/developer shall carry out public domain improvements to a value of \$72,765, which may include works to the Rochford Street road closure. Any works proposed on the public way including the Rochford Street road closure shall be prepared in consultation with the local community. These works shall be detailed in a formal Deed of Agreement in consultation with Council's Public Works Approvals Manager;
 - (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) Advised scale design plan which incorporates the following improvements:
 - (i) The north-eastern balcony wall of Unit 1.07 shall be constructed of a solid material with a minimum height of 2800mm, capable of preventing overlooking and noise transmission to residents at 203 Rochford Street. This modification shall be reflected in amended plans indicating the location, height, colour and material of the blade wall.

- (ii) Glazed panels forming a set wall to a height of 2000mm on the north-eastern side of the proposed planter boxes on the north-eastern Level 2 balconies and on the north-eastern edge of Level 3 balconies capable of reducing potential for noise transmission from use of these balconies. This modification shall be reflected in amended plans indicating the location, height and material of the glazed panels.
 - (iii) Details indicating façade treatment of blank walls of the Rochford Street elevation with the intent of improving the visual appearance of the elevation including use of public art. The design reflective of the history of the locality shall be developed in consultation with surrounding residents and local community groups.
 - (iv) That Level 2 balconies shall be reduced in depth in order to provide a minimum of 12 metres separation between the balcony edge (excluding any planter boxes or screening) and the nearest wall plane of 203 Rochford Street, Erskineville
- (d) That detailed plans prepared in consultation with the owners of 203 Rochford Street shall be provided to Council, indicating how the encroaching eaves of 203 Rochford Street shall be maintained;;
- (e) 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 measures:
- (i) Environmental goals, targets, milestones, budgets and expected outcomes,
 - (ii) Implementation of the findings and recommendations of other management and action plans referred to in this consent,
 - (iii) Selection of traffic routes to minimise residential noise intrusions,
 - (iv) Soil and sediment control measures, particularly when the site is unattended during hot and windy conditions

- (v) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos,
 - (vi) Measures to control noise emissions from the site,
 - (vii) Measures to suppress odours and dust emissions,
 - (viii) Air quality management including noise, dust and the like,
 - (ix) complaints handling and community consultation,
 - (x) An overall action plan for risks, safeguards and contingencies for all phases of development.
- (f) That the applicant shall submit a Construction Management Plan that outlines the manner in which impacts during construction shall be controlled and managed. The Construction Management Plan shall include the following details:
- (i) Phasing of construction including objectives, outcomes, targets, milestones and expected timeframes;
 - (ii) An outline of construction procedures and methods capable of minimising impacts to surrounding residential properties including the number, type, purpose and noise emission of all equipment;
 - (iii) Construction methods likely to generate the most noise are limited in use to between 8am and 4pm;
 - (iv) Identification , classification and quantum of likely impacts including noise, smell, traffic flows, hours of operations, pedestrian amenity and the like;
 - (v) Complaints management including site management contact details and complaints hotline;
 - (vi) Community consultation such as monthly meeting and regular newsletters during construction;
 - (vii) The method of construction particularly the means by which the road closure and other structures on public land shall be demolished and rehabilitated
 - (viii) Methods to protect and make secure 203 Rochford Street during the construction phase
 - (ix) Evidence of consultation with the local community.
- (g) That the applicant shall submit to the satisfaction of the Director of City Environment 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 shall be controlled and managed including the following details as a minimum:
- (i) temporary and permanent access driveways
 - (ii) traffic/parking restrictions;

- (iii) location of on-site and on-street parking for construction workers;
 - (iv) demolition and construction loading/unloading off King Street;
 - (v) provision of a Loading Zone on King Street adjacent to the development for commercial loading and unloading and removal vans;
 - (vi) provision of a No Stopping area in Rochford Street at the turning bay;
 - (vii) waste loading and unloading areas;
 - (viii) appropriate signage on-site at the point(s) of vehicular egress, compelling vehicles to stop before proceeding onto the public way;
 - (ix) emergency access arrangements;
 - (x) pedestrian routes and protection measures;
 - (xi) traffic flow impacts and traffic routes;
 - (xii) the means by which traffic and parking conditions set out in Part B of this deferred commencement consent will be complied with;
 - (xiii) maintenance of the road closure between Rochford and King Streets; and
 - (xiv) the endorsement of the Roads & Traffic Authority, Local Traffic Committee and the local community.
- (h) 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;
- (i) That the applicant shall submit details of the Rochford Street roller door including acoustic levels and a maintenance schedule.
- (j) That the rear boundary wall between the subject site and 203 Rochford Street shall be retained or rebuilt to the same height, to a comparable thickness and rendered. Plans detailing the proposed wall shall be submitted both to Council and the owner of 203 Rochford Street, and a minimum notice of twenty-eight (28) days given to 203 Rochford Street prior to demolition of the wall.

- (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:-
- (1) That the development shall be generally in accordance with the following endorsed plans, subject to compliance with conditions of consent:

Numbered	Dated
DA02F	24 February 2003
DA03F	24 February 2003
DA04F	24 February 2003
DA05F	24 February 2003
DA06F	24 February 2003
DA07F	16 December 2003
DA08F	24 February 2003
DA09F	16 December 2003

- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$32,436 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 instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$3,000, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) That a separate development application shall be lodged for the specific use of the shops detailing inter alia signage, hours of operation and fittings.
- (5) Part A
- As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions

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

Contribution Category	Amount
Open Space: LGA Works Programme	\$8,949
Open Space: New Parks	\$39,922
Accessibility And Transport	\$268
Management	\$672
Total	\$49,813

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;

(6) Part A

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – 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	\$12,518

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;

- (7) That all residential units shall achieve a minimum 3.5 star NatHERS rating;
- (8) Details including scale plans and specification to be submitted with the Construction Certificate shall demonstrate:
 - (a) That the court walls (see plan DA02F stamp dated 24 Feb 2003) facing the side boundary windows of 203 Rochford Street shall be painted white with the intent of improving reflected light into those boundary windows;
 - (b) That the Rochford Street vehicle entrance surface treatment shall be of a type designed to minimise noise transmission from vehicle wheels;
 - (c) That any external glazing shall have a reflectivity not exceeding 20%;
 - (d) That any proposed roller shutter for the shopfronts shall be of an open mesh type;
 - (e) That the proposed loading bay in the Rochford Street road closure shall be deleted from the plans;
 - (f) That a maximum of 24 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m, with a minimum headroom of 2.2m and the layout of the parking area and

ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;

- (g) That of the required car spaces, at least one measuring a minimum of 3.5m x 5.5m shall be provided as a car wash bay for the development and shall be provided with water connection and drainage, detailed in the application for a construction certificate;
- (h) That of the required car parking spaces, at least one shall be 3m x 5.5m minimum (with a minimum headroom of 2.5m) and shall be clearly marked and appropriately located for disabled driver's parking, and shall be allocated as a residential visitor space;
- (i) 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;
- (j) That tanks shall be decommissioned and removed by suitably qualified contractors.
- (k) That contaminated soil shall be classified and disposed of in accordance with EPA requirements.
- (l) 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);
- (m) 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;
- (n) 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:

- (o) That a separate garbage /recycling storage facility for commercial use shall be located within the site at street level 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;
- (p) The garbage/recyclable materials rooms shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets.
- (q) That building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the public footway or any other locations which could lead to the discharge of materials into Councils stormwater drainage system;
- (r) That hazardous and/or industrial waste arising from the demolition/operational activities shall be removed (generated) and/or transported in accordance with the requirements of the Environment Protection Authority and the NSW WorkCover Authority pursuant to the provisions of the following:
- Protection of the Environment Operations Act, 1997
 - Protection of the Environment Operations (Waste) Regulation 1996
 - Waste Avoidance and Recovery Act 2001
 - New South Wales Occupational Health & Safety Act, 2000
 - New South Wales Construction Safety Act, 1912 (Regulation 84A-J Construction
 - Work Involving Asbestos or Asbestos Cement 1983)
 - The Occupational Health & Safety Regulation 2001
 - The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996;
- (s) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development:
- (i) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
 - (ii) 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;

- (t) That all relevant sections of the BCA shall be complied with;
- (u) 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 and owners of 203 Rochford Street, Erskineville;
- (v) 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;
- (w) That the requirements of the Work Cover Authority shall be complied with;
- (x) That the building/demolition work shall comply with Australian Standard 2436-1981 That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (y) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (z) That the demolition work shall comply with Australian Standard 2601-1991;
- (aa) The applicant shall ensure that any projection over the public way shall be cantilevered. Any posts or columns shall have only a decorative function.
- (bb) That the applicant shall ensure that suitable easements shall be created and lodged on title for light and air to the windows of 1.0 metres to number 203 Rochford Street, Newtown. All notations to be registered on the certificate of title at the Land and Property Information Centre (formerly Land Titles Office) prior to the issuing of an occupation certificate.
- (cc) All lockable bollards shall have a key system to comply with the South Sydney Council key system.

- (dd) Plans, details and or sections indicating existing and proposed nominal levels, stairs and ramps for disabled access, falls arrows, inlet pits, subsurface drainage, swales or detention points.
- (ee) That the applicant shall ensure that the landscape treatment to King Street shall be in accordance with the Draft South Sydney Council streetscape Masterplan, and technical document;
- (ff) That before erecting any hoarding, an application must be made 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 approval;
- (gg) 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;
- (hh) 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;
- (ii) That the applicant shall provide off-street parking for construction workers;
- (jj) 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;
- (kk) 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;
- (ll) 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;
 - (mm) Plan 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;
 - (nn) 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.
 - (oo) 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;
 - (pp) That stormwater drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with AS3500 Part 3 and Code of Standard Requirements for the discharge of stormwater;
 - (qq) That an energy efficient hot water system with a minimum 3.5 star rating shall be installed on the site and shall serve all the hot water requirements of the building;
- (9) That subject to the agreement of the relevant property owners, a dilapidation report (including a photographic survey) shall be prepared by a qualified structural engineer for both 201 and 203 Rochford Street, at the applicant's expense, and presented to the owners at least twenty-eight (28) days prior to the commencement of any works (including demolition or excavation works) associated with this development consent;
 - (10) That a separate development application shall be submitted at the appropriate time for any proposed signs;
 - (11) That the parking spaces shall be allocated on the basis of not less than 6 spaces for the retail uses, 4 spaces for residential visitors and 14 spaces for residents (appropriately line-marked and labelled prior to issuing an Occupation Certificate);

- (12) That in any strata subdivision, no tenancy shall be allocated more than one car space and the visitor spaces, including the disabled space and the car wash bay shall be shown as common property.
- (13) That no visitor car space shall be leased reserved or set aside for the use of any specific tenancy or resident.
- (14) That all vehicles shall always be driven onto and off the site in a forward direction;
- (15) A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained.

Application shall 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 shall be submitted to South Sydney City Council prior to release of the linen plan.

- (16) That Council's approval for demolition and tank removal works shall be obtained.
- (17) That following the removal of contaminated material, excavated areas shall be validated in accordance with EPA requirements.
- (18) That any Café shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia.
- (19) 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;

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.

- (20) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;

- (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 drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required gutters and roadways shall be swept regularly to maintain them free from sediment. Matter is not to be washed down into the drainage system;
- (23) That stockpiles shall not be stored on Councils property (including nature strips) unless the prior approval of Council has been obtained and the method of storage is adequate to prevent the material being deposited into Councils stormwater system;
- (24) That where the decommissioning of any refrigeration and/or air conditioning equipment is proposed, any fluorocarbon refrigerant contained in the equipment shall be recovered and disposed of in accordance with the provisions of the Ozone Protection Regulation, 1991;
- (25) That the use of the premises shall not give rise to:
- Transmission of 'offensive noise' to any place of different occupancy, and,
- A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and,
- A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy;
- (26) 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;
- (27) 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;

- (28) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (29) 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;
- (30) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays;
- "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (31) 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;
- (32) 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;
- (33) That if the soil conditions require it:
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
adequate provision must be made for drainage;
- (34) 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

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.

In this condition, allotment of land includes a public road and any other public place;

- (35) That all vehicles must enter and exit the driveway in a forward direction at all times. All vehicles servicing the site shall be able to access, load, unload and manoeuvre wholly within the site and not encroach upon public roads:
- (a) The applicant, at no cost to Council, shall have this estimate prepared by a practicing Quantity Surveyor. The latter shall take account of, but not limited to, the requirements of Council, the RTA, the State Transit Authority, Public Utility Services and Sydney Water. The unit rates used in preparing the estimate must conform to the local rates as published in current estimating documents.
 - (b) The Bank Guarantee will be for this estimated cost, calculated as a future value, compounded at a rate of 7% for a period from the time of preparing the estimate to the agreed date to complete the project.
 - (c) The applicant shall be able to request a decrease in the amount of the original bank Guarantee as sections of work are completed. Council shall consider these requests and approve any reductions that are fair and reasonable.
- (36) That the DPWS shall fix the minimum area of the closure as existing and future site constraints may determine. The closure shall be designed and constructed in accordance with the requirements of the DPWS.
- (37) That the applicant shall ensure that the lighting scheme shall comply with the relevant Australian Standard for lighting AS 1158.3.1.199- Road Lighting and shall comply with AS 4282-1997-*Control of the Obtrusive Effects of Outdoor Lighting*. The lighting fixtures ie column lights etc shall be submitted to council for approval prior to the issue of the occupation certificate.
- (38) That the applicant shall ensure that the landscape plan shows the details of all materials and finishes to both the internal courtyard and any proposed road closure to Rochford Street. Any landscape proposal for the Rochford Street road closure shall be prepared in consultation with the local community. Plans shall provide sections and schedules to indicate type, extent, layout, setout, installation requirements of all hardworks and surface finishes (ie lighting, walls, paving, furniture, fixtures, fences, bollards, disabled access) including the relationship to adjoining finishes. Garden walls and edging are to be masonry or

approved material that compliment the architecture and character of the development.

- (39) 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. All trees are to be minimum 75 Litre and shrubs minimum 5 litre.

Material	Mature Height	Min. Spacing	Min. Size
Trees	Dependant on species		75L (2.0m tall)
Shrubs	>3.0m	1- 4 per m2	10L
Shrubs	1.0-3.0m	1- 8 per m2	5L
Groundcovers	<1.0m	4-10 per m2	150mm pot

- (40) The 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 prior to the application for a Construction Certificate.
- (41) That the applicant shall ensure that the garbage storage area is of sufficient size to accommodate a minimum of 6 x 240-litre sulo bins for domestic refuse and 4 x 240-litre sulo recycling bins.
- (42) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee of \$205 for the stormwater connection to Councils system and no work shall be commenced until the fee is paid;
- (43) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels". 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.
- (44) That the applicant shall apply for the allocation of a street number. Council will then inform all the relevant authorities. Upon issue of the street number they shall be clearly displayed, being of contrasting colour and adequate size and location for viewing from the roadway;
- (45) 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;

- (46) That the applicant shall apply section 125 of the Roads Act, 1993 for a licence to operate a restaurant on the footway of King Street or Rochford Street;
- (47) 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;
- (48) That any excavation below the footpath level adjacent to the street alignment shall require shoring in accordance with Council's Shoring Policy;
- (49) That the existing lots shall be consolidated into one single lot prior to the issuing of an Occupation Certificate;
- (50) 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;
- (51) That the forward-most point of the awning(s) shall be set back a minimum distance of 600mm from the front of the kerb;
- (52) 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;
- (53) 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;
- (54) 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;
- (55) 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;

- (56) That the vehicular crossing shall, prior to occupation, be treated in such a manner as to provide a safe walking surface;
- (57) 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;
- (58) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (59) That any connection to Council's stormwater drainage pit and/or stormwater pipeline shall have a positive covenant imposed on the land title. The wording of this covenant shall be in accordance with that provided by Council. (Please contact the Traffic and Design Branch on 9288 5472 for further information).
- (60) 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;
- (61) 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;
- (62) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (63) 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;
- (64) That a certificate shall be submitted from a registered certifier confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
- (65) That a certificate shall be submitted at the completion of the proposed drainage system from a registered certifier confirming that all work complies with the approved certified plans.

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 Council's 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 "Environment 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 transport if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

NOTE 3:

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 4:

That all asbestos fibre demolition material and asbestos dust shall be handled and removed in accordance with the Occupational Health and Safety (Asbestos Dust) Regulation, 1984.

NOTE 5:

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).

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

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

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

Carried.

14.

BAYSWATER ROAD, NOS. 9 – 15, POTTS POINT – ALTERATIONS AND ADDITIONS TO EXISTING BUILDING AND TO CONVERT THE HAMPTON COURT HOTEL ABOVE GROUND FLOOR LEVEL TO RESIDENTIAL FLAT BUILDING CONTAINING 130 UNITS, DEMOLITION OF ROOF TOP PLANT ROOMS AND FOUR LEVELS OF BASEMENT PARKING FOR 48 CARS (U02-01439)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of City Environment dated 25 March 2003.

Carried.

15.

MACLEAY STREET, NOS. 46A – 46C, ELIZABETH BAY – DEMOLISH EXISTING POST OFFICE AND TELEPHONE EXCHANGE BUILDING NEW LINE CONSTRUCTION OF A MIXED USE RESIDENTIAL/COMMERCIAL BUILDING CONTAINING A TOTAL OF 46 APARTMENTS AND GROUND FLOOR COMMERCIAL SPACE (U02-01168)

That the matter be deferred for a comprehensive heritage report, including all heritage premises in immediate area and impact statement and that a report also include the solar access and view loss.

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

That Council defer the application pending a revised design that complies in full with the prescription of DCF 1997. Further, that a more detailed Heritage Impact Statement be provided which address's the impact on all buildings affected in the surrounding Heritage Conservation area.

Motion, as amended by consent, carried.

16.

MACLEAY STREET, NOS. 22 – 24, ELIZABETH BAY – DEMOLITION OF EXISTING BUILDING AND ERECTION OF 10 STOREY RESIDENTIAL FLAT BUILDING (U02-01189)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Shaw:-

That the application be deferred and the applicant be invited to submit amended plans and details, which show increased compliance with Council's controls in regards to height, floorspace, solar access, amenity, design, painting and privacy.

Carried.

17.

WILLIAM STREET, NOS. 191 – 201, POTTS POINT – DEMOLITION OF EXISTING IMPROVEMENTS AND THE ERECTION OF A NINE STOREY MIXED USE BUILDING CONTAINING RETAIL LEVELS AND A PRIVATE HOTEL CONTAINING 115 ROOMS AND 225 BEDS (U02-01367)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

Defer the development application for the change of use of the premises from backpackers accommodation to a private hotel to allow for its assessment with due regard to the existing development consent for backpackers accommodation and the Section 96 application for modifications to the backpackers accommodation to allow for use as a private hotel.

It was moved by Councillor Mallard, seconded by Councillor Fowler:-

That the motion be amended by the deletion of the whole of the above resolution and the insertion in lieu thereof of the following new resolution, namely:-

That approval be given to the application for the change of use of the premises from backpackers accommodation to a private hotel having regard to the existing development consent for backpackers accommodation and the Section 96 application for modifications to the backpackers accommodation to allow for use as a private hotel and that the conditions of approval be delegated to the General Manager on advice from the Director of City Environment.

Motion, as moved by Councillor Mallard, carried.

The Planning and Development Committee Meeting terminated at 11.25 p.m.

REPORT OF THE FINANCE COMMITTEE

2 April 2003

PRESENT

The Mayor, Councillor Tony Pooley (Chairperson)

Councillors – John Bush and Christine Harcourt

At the commencement of business at 6.34 pm, those present were -

The Mayor and Councillors – Bush and Harcourt

Apology:

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

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

That the Report of the Finance Committee of its meeting of 2 April 2003, be received and the recommendations set out below for Items 1 to 11, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

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

(Note: this matter was deferred by Council at its meeting of 26 March 2003.)

That the recommendation as contained in the Minute by the Mayor dated 20 March 2003, namely:-

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

-be approved and adopted.

Carried.

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

2.

STREETS – OXLEY LANE, CENTENNIAL PARK – PROPOSED CLOSURE AND SALE OF PART - ADVERTISING (2028206)

That arising from consideration of a report by the Director of City Environment dated 17 March 2003, Council resolve to advertise and take necessary action for the proposed closure and sale of part of Oxley Lane, Centennial Park, as shown stippled on Plan No S6-280/210A accompanying the beforementioned report, in accordance with the Policy for the Proposed Closure and Sale or Lease of Laneways and Sale of Vacant Council Owned Land, as adopted by Council on 27 August 1997 and that a further report be submitted to Council at the end of the advertising period.

Carried.

3.

MOTOR VEHICLES – COMMUNITY BUS SCHEME – HALF YEARLY REPORT – SIX MONTHS JULY – DECEMBER, 2002 (M56-00080)

That arising from consideration of a report by the Director of Community Living dated 18 March 2003, confirmatory approval be given to the excess motor vehicles' use costs (\$13,450.40), as listed in Attachment A accompanying the beforementioned report, being treated as donations and charged against Section 356 of the Local Government Act 1993, for the 2002/2003 budgetary period.

Carried.

4.

FINANCE - GRANTS – RECREATION PROGRAM – REDFERN AND WATERLOO AREAS – FUNDING (2024620)

That arising from consideration of a report by the Director of Community Living dated 19 March 2003:-

- (1) Council allocate the revenue of \$16,478 (includes \$14,980 program funds plus \$1,498 GST) from the Department of Sport and Recreation to the Recreation Services program within the 2002/2003 financial year budget;
- (2) The Corporate Services Department/Finance note that approximately \$12,000 expenditure from these funds will be required to be carried forward to the 2003/2004 financial budgets as from 1 July 2003 to complete the implementation of the program by December 2003.

Carried.

5.

FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – JANUARY 2003 (2028452)

That Council gives confirmatory approval for the Schedule of Payments accompanying the report of the Acting Chief Financial Officer dated 10 February 2003, details of which are contained in the relevant file.

Carried.

6.

**FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – FEBRUARY 2003
(2028452)**

That Council gives confirmatory approval for the Schedule of Payments accompanying the report of the Acting Chief Financial Officer dated 11 March 2003, details of which are contained in the relevant file, subject to the removal of attachment 2 accompanying the beforementioned report and the replacement with the new attachment 2 that was circulated at the Finance Committee Meeting.

Carried.

7.

**CLEANING – USE OF MOBILE GARBAGE BINS FOR DOMESTIC WASTE
COLLECTION – SINGLE OCCUPANCY DWELLINGS (2000996)**

That for the reasons set out in the report of the Director of City Works dated 25 March 2003:-

- (1) A 120-litre Mobile Garbage Bin once weekly collection is rolled out in stages across the South Sydney City Council LGA and a detailed financial report outlining the Capital, Operational and Future expenditure of the roll out is prepared;
- (2) Consideration to variance (through the use of a once weekly 2 x 55 litre collection) is given on a case by case basis where limited storage is a legitimate issue as determined by the appropriate Council officer(s).

At the request of the Mayor, and by consent, the motion be amended by the deletion of clause (1) of the recommendation and the insertion in lieu thereof of a new clause (1), namely:-

- (1) that the roll out of 120 litre bins with a once weekly collection occur in the suburbs of Rosebery, Beaconsfield and Newtown/Darlington with a report to return to Council on the success or otherwise of that rollout prior to proceeding through the rest of the LGA and a detailed financial report outlining the Capital, operational and future expenditure of the rollout is prepared.

Motion, as amended by consent, carried.

8.

ADMINISTRATION –NIGHT WORKS - REVIEW (2028698)

That further to resolution of Council dated 12 February 2003, and for the reasons set out in the report by the Director of City Works dated 25 March 2003:-

- (1) Council endorse the new procedures as contained in the body of the beforementioned report in respect of the review of night work road maintenance;
- (2) That Council continue to use the current after hours communications provider (LINK) until 30 December 2003.

Carried.

9.

LEASING - OXFORD STREET, NO. 92, DARLINGHURST, LOT 1 – APPROVAL OF A NEW LEASE TO WILLIAM DALTON, T/A BOSTON MENSWEAR FOR A ONE YEAR LEASE WITH A FOUR YEAR OPTION (L52-00173)

That arising from consideration of a report by the Director of Corporate Services dated 25 March 2003, Council approves the application by Mr William Dalton of a new Lease for the purpose of trading in the sale of menswear for a term of one year in respect of No. 92 Oxford Street, Darlinghurst, Lot 1, DP 815188. This Lease is for a rental of \$99,320 per annum, commencing from a date to be determined, subject to the following conditions, namely:-

- (1) That the Lessee is to provide a Bank Guarantee of equivalent to three month's rental;
- (2) That the lessee is to provide unconditional personal guarantees for the term of the lease;
- (3) That the Lessee to provide Council with a copy of its Public Liability Insurance Policy in an amount of not less than Ten Million Dollars indemnifying both the Council and the Lessee against any claims that may arise during the term of the Lease;
- (4) That all Council administration, legal, and valuation costs associated with the preparation and execution of the necessary Lease documents by Council's Legal Officer, are to be borne by the Lessee;
- (5) That all relevant documents are to be executed by Council's Attorney;
- (6) That the rent is inclusive of all outgoings, not particular to the operation of the Lessee's business;

- (7) That the Lessee is responsible for the payment of Goods and Services Tax;
- (8) That this rent shall be reviewed annually by CPI;
- (9) That if the option is exercised in 1 year, the Lease will be reviewed by market at this time;
- (10) That any proposed alterations or Development Applications for the leased premises including refurbishment, fit-outs etc by the Lessee during the term of the Lease period, must be submitted to and approved by the Property Branch Manager prior to the submission of plans etc to Council for Statutory approvals;
- (11) That a rent-free period of one month applies to the commencement of the lease.

Carried.

10.

STREETS – URBAN DESIGN PROJECTS – WATTLE STREET, ULTIMO – REPORT ON FINDINGS OF COMMUNITY CONSULTATION FOR CONCEPT DESIGN FOR WATTLE STREET, ULTIMO AND APPROVAL TO ADOPT CONCEPT DESIGN (2028433)

That arising from consideration of a report by the Director of City Works dated 28 March 2003, Council approval be given to:-

- (1) receive the beforementioned report that outlines the findings of the community consultation period for the public domain improvements to Wattle Street (Attachment A-urban phenomena) accompanying the beforementioned report;
- (2) adopt the attached proposal (Attachment A - urban phenomena) accompanying the beforementioned report, subject to the final approval for the closure from the Department of Land and Water Conservation;
- (3) recommend that the City of Sydney undertake this capital project in the 2003/2004 period.

Carried.

11.

LEASING - OXFORD STREET, NO. 122, DARLINGHURST, GROUND LEVEL SHOPFRONT – TWO WEEK RENT FREE PERIOD (L02-00260)

That arising from consideration of a report by the Director of Corporate Services dated 18 March 2003, Council approve Topglade Pty Ltd being

offered a rent-free period of two weeks equal to \$2,594 in respect of their lease of Council premises, basement and ground floor, No. 122 Oxford Street, Darlinghurst.

Carried.

The Finance Committee Meeting terminated at 7.19 p.m.

The Council Meeting terminated at 7.42 p.m.

Confirmed at a meeting of South Sydney City Council

held on 2003

CHAIRPERSON

GENERAL MANAGER