

320TH Meeting

Erskineville Town Hall
Erskineville
494951

Wednesday, 14 May 2003

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.34 pm on Wednesday, 14 May 2003.

PRESENT

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

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

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Confirmation of Minutes

Moved by Councillor Furness, seconded by Councillor Harcourt:-

That the minutes of the Ordinary Meeting of Council of 9 April 2003, Extraordinary Meeting of Council of 15 April and 5 May 2003, be taken as read and confirmed.

Carried.

MINUTE BY THE MAYOR

12 May 2003

PUBLIC RELATIONS – CENTENARY MEDAL RECIPIENTS (2026649)

To mark the Centenary of Federation, the Commonwealth established a Centenary Medal, to be awarded to Australians who have made an important contribution to the nation and their local communities.

It is with pleasure that I advise Council of the Council staff who have received centenary medals for service to the community.

Kaye Mundine, Council's Aboriginal Community Development Officer, for service to Australian society and to Indigenous health and welfare.

Richard Perram, long serving Special Events Officer with Council, for service to the Centenary of Federation celebrations in New South Wales.

Sharon Hickey, Council's Photographer, for service to the community.

In recognition of their achievements and honours bestowed on them, I recommend that a letter under the signature of the Mayor be forwarded to them extending the congratulations of Council.

I would also like to extend my congratulations to all Centenary Medal recipients in the South Sydney City Council area.

RECOMMENDATION:

That a letter of congratulations, under the signature of the Mayor, be sent to all staff who received a Centenary Medal.

Councillor Tony Pooley (SGD)
Mayor

Moved by Councillor Furness, seconded by Councillor Harcourt:-

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

Carried.

NOTE: The Mayor informed those present of previous Council employees, namely, Ms P Parker, Mr N Cook and Mr R Neilson who also received Centenary Medals.

At this stage the Mayor presented Kaye Mundine with her letter as she was present at the Council Meeting.

MINUTE BY THE MAYOR

14 May 2003

PUBLIC RELATIONS – DEATH OF PHYLLIS PEARCY – CONDOLENCES (2004380)

It is with sadness that I inform Council of the death of Phyllis Percy at the age of 84 years after a long illness.

Phyllis was a long time resident of Erskineville, being a printer by trade before her retirement. She was also a member of the Labor Party for over 45 years and a strong campaigner for the community.

Phyllis was a regular attendee of both Council and Committee meetings of this Council and the previous South Sydney Municipal Council.

She will be sadly missed by myself, Councillors, staff and the community of South Sydney Council.

RECOMMENDATION:

It is recommended that a letter under the signature of the Mayor offering the condolences of Council be forwarded to members of her family.

Councillor Tony Pooley (SGD)
Mayor

Moved by Councillor Furness, seconded by Councillor Lay:-

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

At the request of Councillor Lay, and by consent, the motion be amended by the addition of the words "and flowers to be sent to the funeral from the Mayor, Councillors and staff of Council".

Carried.

NOTE: At 6.42 p.m., Councillor Mallard arrived at the Council Meeting just prior to this matter being adopted.

Committee of the Whole – Council Meeting

At this stage and at 6.43 p.m., it was moved by the Mayor, seconded by Councillor Furness:-

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

ADMINISTRATION – RELOCATION TO 1 LAWSON SQUARE, REDFERN – SELECTION OF WORKSTATIONS - SUPPLY AND INSTALLATION OF CONTRACT (2027963)

A minute by the Director of Corporate Services dated 13 May 2003, was circulated to Councillors prior to the commencement of the Council Meeting.

PARKS - SYDNEY PARK - LEACHATE TREATMENT PLANT - SUPPLEMENTARY REPORT (2027943)

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

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

At 7.08 p.m. the Council Meeting resumed.

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

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

ADMINISTRATION – RELOCATION TO 1 LAWSON SQUARE, REDFERN – SELECTION OF WORKSTATIONS - SUPPLY AND INSTALLATION OF CONTRACT (2027963)

- (a) appoint Workspace Commercial Furniture Pty Ltd to supply and install work stations, storage units and associated joinery at Council's new Administrative

Centre located at 1 Lawson Square Redfern pursuant to Section 55(3) of the Local Government Act 1993, as a satisfactory result would not be achieved by inviting tenders

- (b) and that the confidential attachment to this report remain confidential in accordance with Section 10A(2)(d) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

PARKS - SYDNEY PARK - LEACHATE TREATMENT PLANT - SUPPLEMENTARY REPORT (2027943)

That the recommendation as contained in Option 1 in the report by the Director of City Works dated 24 April 2003, and that Council contact the Environmental Protection Agency for information which would be appropriate for both parties, be approved and adopted.

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

MINUTE BY THE DIRECTOR OF CORPORATE SERVICES

13 May 2003

**ADMINISTRATION – RELOCATION TO 1 LAWSON SQUARE, REDFERN –
SELECTION OF WORKSTATIONS - SUPPLY AND INSTALLATION
OF CONTRACT (2027963)**

A minute by the Director of Corporate Services dated 13 May 2003, was circulated to Councillors prior to the commencement of the Council Meeting.

This matter was dealt with in the Committee of the Whole on page No. 407.

Peter Conroy (SGD)
Director of Corporate Services

QUESTIONS WITHOUT NOTICE

1.

ANTI-SOCIAL ACTIVITIES – AGAINST AUSTRALIA POST EMPLOYEES – CLEVELAND STREET, REDFERN - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (A55-00050)**Question:**

I have received representations from an employee of Australia Post who works at their premises on Cleveland Street, Redfern. Apparently Australia Post forwards security notices to its staff from time to time warning of safety issues when walking to and from their cars particularly near the intersection of Pitt and Redfern Streets. Could your office make contact with the Redfern Police suggesting they contact Australia Post in order to address the issue?

Answer by the Mayor:

I am certainly happy to do that and will advise formally and informally at the next Redfern Pact Meeting.

2.

TRAFFIC – VICINITY TAYLOR COLLEGE – ROAD SAFETY EDUCATION - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2018533)**Question:**

As a result of a discussion with Ms Ann Ferguson of ZCAG, could Council's Road Safety Officer make contact with Taylor College to offer assistance regarding road safety education particularly in light of the recent fatality in the area of the college? Further, could Council please investigate the provision of "Look Right" road stencilling in the area of the college and its access points to public transport?

Answer by the Mayor:

I am happy to refer this matter to the Director of City Works.

3.

PLANNING – GREEN SQUARE – MIDDLE BLOCK - ZONING - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2025774)**Question:**

Can the Director of City Environment investigate the original basis for the (10c) zoning for the middle block in Green Square area? Can a report come to Council considering the 100% residential application of the zoning and the

location of water detention, setbacks and open space as a prelude to the urban domain report?

Answer by the Mayor:

I will refer the matter to the Director of City Environment for his advice.

4.

COUNCILLORS – POLITICAL PARTIES – DONATIONS – DEVELOPERS AND OTHER ORGANISATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (A54-00013)

Question:

Councillor Furness has made very public statements in regard to collections for political parties from developers and the AHA. Did Councillor Furness attend the \$400,000 collection event and is he critical of the Labor Party's fund raising?

Answer by Councillor Furness:

The answer is no to both questions.

5.

PLANNING – GREEN SQUARE – CHANGE FROM BULKY GOODS TO RETAIL - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2023172)

Question:

Council has lost large sections of highly rated retail property. Much of the Green Square and surrounding areas is zoned bulky goods retail. Could the Director of City Environment bring forward a report that explores the change of use from bulky goods to general retail?

Answer by the Mayor:

I will refer the matter to the Director of City Environment for his advice.

6.

**DONATIONS – COUNCIL PROPERTIES – SUBSIDIES TOWARDS
RENTALS - EQUITY - QUESTION WITHOUT NOTICE BY COUNCILLOR
MALLARD (2016721)**

Question:

Approximately \$150,000 from the residential subsidies is the figure from the properties that were retained by our Council and are in the City of Sydney area. My question is that who will pay for the subsidies either the City of South Sydney for the communities that they represent and that a report be prepared on the strategies on how Council can achieve equity on the subsidies for these properties?

Answer by the Mayor:

It will come up in the Donations Sub-Committee for consideration as we now consider them as part of a donation to any rental subsidy. I believe a report is being prepared and will be forwarded to all Councillors.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

7 May 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 Furness:-

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

Carried.

The Committee **recommended** the following:-

1.

KING STREET, NO. 540, NEWTOWN – FIRST FLOOR ADDITION TO EXISTING AUTO REPAIR WORKSHOP TO COMPRISE FOUR ONE BEDROOM UNITS (U02-00530)

- (A) That Council refuse to grant its consent under the Environmental Planning and Assessment Act 1979 to Development Application U02-00530 submitted by G. Perdikaris for first floor addition to existing auto repair workshop to comprise four one bedroom units at No. 540 King Street, Newtown, for the following reasons, namely:-
- (1) That the proposal does not comply with the Mixed Uses No.10 Zone objectives of South Sydney Local Environmental Plan 1998, having regard to section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979;
 - (2) That the proposal does not comply with the objectives and numerical requirements of South Sydney Development Control Plan 1997, having regard to section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979;
 - (3) That the proposal does not comply with the provisions of South Sydney Development Control Plan No.11 – Transport Guidelines For Development, and will have a detrimental impact on the provision of street parking, having regard to section 79C(1)(a)(iii), (b), (c) and (d) of the Environmental Planning and Assessment Act 1979;
 - (4) That the proposal will have an adverse impact on the amenity of surrounding properties, having regard to section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979;
 - (5) That the proposal is unsuitable and inappropriate for the site and its surrounding context, having regard to section 79C(1)(b), (c), and (d) of the Environmental Planning and Assessment Act 1979;
 - (6) That the proposal is not in the public interest, having regard to section 79C(1)(e) of the Environmental Planning and Assessment Act 1979.
- (B) That the applicant be advised to consider alternatives for the redevelopment of the site, to include at least the two properties to the north, to achieve a better planning outcome for the area.
- (C) That Council advise person(s) who made representations in respect of the application of the Council's decision.

Carried.

2.

CROWN STREET, NOS. 496 – 512, SURRY HILLS – CONVERSION OF COMMERCIAL WAREHOUSE BUILDING TO MIXED USE RETAIL WITH 17 X 1, 10 X 2 AND 2 X 3 BEDROOM RESIDENTIAL UNITS, 5 SHOPS AND PARTIAL BASEMENT LEVEL CAR PARKING WITHIN A PART 3/PART 4 STOREY BUILDING (U02-01155)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

(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 Ballas Mendes Constructions, with the authority of Aqana Pty Limited and Ayana Pty Ltd, to utilise the existing building and to carry out alterations and additions and to convert it to a part three/part four storey mixed uses building, providing 17 x 1, 10 x 2 and 2 x 3 bedroom residential units, five ground floor retail tenancies and to provide a half basement car parking level for 29 cars at Nos. 496-512 Crown Street, Surry Hills, subject to completion of the following, namely:-

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

- (v) That in order to qualify for additional floor space bonus in accordance with the South Sydney Development Control Plan 1997- Urban Design, the owner shall design, construct and meet all costs associated with public domain works to the additional value of \$365,002 associated with the development, as outlined in a Deed of Agreement to be determined in consultation with Council's Public Works Approvals Manager. Details are to be resolved to Council's satisfaction prior to the release of the construction certificate.
- (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 01028.DA.01 (F), 01028.DA.02 (G), 01028.DA.02b (A), 01028.DA.03 (F), 01028.DA.03b (A), 01028.DA.04 (F), 01028.DA.04b (A), 01028.DA.05 (F), 01028.DA.05b (A), 01028.DA.06 (C), 01028.DA.07a (E), 01028.DA.07b (C), 01028.DA.07c (D), 01028.DA.08a (F), 01028.DA.08b (D), 01028.DA.08b2 (A), 01028.DA.09a (F), 01028.DA.09b (D), 01028.DA.09b2 (A), 01028.DA.10a (F), 01028.DA.10b (D), 01028.DA.10b2 (A), 01028.DA.11 (C), 01028.DA.11a (A) and 01028.DA.12 (C), drawn by Alexander Tzannes Associates Pty Limited and dated May 2002 and Statement of Environmental Effects prepared by JBA Urban Planning Consultants Pty Ltd, dated October 2002, 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 \$14,520 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 \$9,800, 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	\$16,821

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	\$10,932
Open Space: New Parks	\$49,460
Accessibility And Transport	\$329
Management	\$770
Total	\$61,491

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 the retail tenancies shall be the subject of a further development application(s) in respect of their use and fitout.
- (7) 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.
- (8) 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.
- (9) That 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.

- (10) That bicycle spaces must be provided in the form of Class 1 type lockers.
- (11) 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);
- (12) 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;

- (13) 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.
- (14) 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;

- (15) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (16) 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;
- (17) 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;
- (18) 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;
- (19) 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;
- (20) 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;
- (21) That 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.

- (22) 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.
- (23) 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;
- (24) 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) all required mechanical ventilation systems: Standard requirement – Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 and 2);
- (25) That all relevant sections of the BCA shall be complied with;
- (26) 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;

- (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 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;
- (30) 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;
- (31) That the requirements of the Work Cover Authority shall be complied with;
- (32) 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;
- (33) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (34) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;

- (35) 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;
- (36) That the demolition work shall comply with Australian Standard 2601-1991;
- (37) 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;
- (38) 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;

- (39) 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;

- (40) 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;
- (41) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;
- (42) That all vehicles must enter and exit the site in a forward manner at all times;
- (43) 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;
- (44) 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;
- (45) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb;
- (46) 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;

- (47) 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);
- (48) 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;
- (49) 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;
- (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 during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (52) 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;
- (53) 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;

- (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 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;
- (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 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;
- (59) 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;

- (60) 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);
- (61) 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;
- (62) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (63) 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;
- (64) 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;
- (65) That no "Offensive Noise" as defined in the Protection of the Environment Operations Act, 1997 shall be created during any demolition, excavation or construction activities arising from the site;
- (66) 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 and 2);
- (67) That the car park shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668 Parts 1 and 2);
- (68) That certificates of design compliance for the below nominated components/aspects of the mechanical ventilation system(s) shall be provided to the certifying authority at the time of lodgement of the plans. Upon commissioning of the mechanical ventilation system(s), certificates of performance shall be submitted to the certifying authority prior to the issue of an occupation certificate. The certificate/s of performance shall be in a form acceptable to the certifying authority and be accompanied by details of the test carried out in respect of ventilation and acoustics;

- (69) That the applicant will ensure that no service vehicles over 6.4 metres in length shall service the site;
- (70) That the current parking restrictions around the site shall not be altered for any proposed vehicles servicing the site;
- (71) That the applicant shall ensure that vehicles can only enter the site from the southern driveway, with an internal one-way traffic flow, and exit from the northern driveway only;
- (72) That the applicant shall ensure that both driveways are adequately and appropriately signposted;
- (73) That the applicant shall ensure simultaneous traffic movement at all times at the Crown Street and Arthur Street intersection;
- (74) That any changes to the traffic flow and/or traffic conditions must have prior approval by the South Sydney Traffic Committee;
- (75) That the applicant shall plant the following street trees in accordance with the requirements contained in Council's Street Tree Master Plan (2001) and be responsible for liaison and coordinating with all relevant service authorities as required to facilitate planting. Planting shall be completed prior to the issuing of an Occupation Certificate.

Street	Species	Common name	Tree guard	Min No./size
Arthur	Lophostemon confertus	Brushbox	High	5 off/100-litres
Rainford	Elaeocarpus reticulatus	Blueberry Ash	Medium	2 off/ 75-litres

- (76) That the applicant shall ensure that the impact of the proposed development on the existing trees on Crown Street, Arthur Street and Rainford Street should be assessed and a report submitted by a suitably qualified arborist. This report shall provide protection and mitigation measures, which are to be implemented prior to the release of the construction certificate. Should these measures not be adhered to, the developer shall be liable for fines in accordance with the Tree Preservation Order (2000);
- (77) That the applicant shall ensure that the proposed functional and feature lighting should be allowed for, nominated and approved on the landscape plan prior to issuing a construction certificate;
- (78) That the applicant shall ensure that the proposed street furniture elements (bollards, seats and bicycle racks) are to be specified for approval, prior to issuing a construction certificate;

- (79) That the applicant shall ensure that the proposed irrigation and associated drainage should be allowed for and approved in the landscape scheme prior to issuing a construction certificate;
- (80) That the applicant shall ensure that the domestic garbage area is of sufficient size to accommodate 7 x 240 litres sulo bins for domestic refuse and 5 x 240 litres sulo recycling bins;
- (81) That the applicant shall ensure that all bins are presented kerbside in Rainford Street for collection;
- (82) That the existing lots shall be consolidated into one lot prior to the issuing of an occupation certificate;
- (83) That the awning shall be set back a minimum distance of 600mm from the front of the kerb;
- (84) The external colour scheme of the building is to comprise predominantly earthy tones in keeping with the character of the heritage conservation area and streetscape.

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.

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

Carried.

At the request of Councillor Harcourt, the Mayor asked that the Director of City Works ensure that there is also allocation for residential parking spaces being marked in Collins Lane subject to this matter being sent to the Traffic Committee for approval.

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

3.

MARRIOTT STREET, NO. 105, REDFERN - DEMOLITION OF THE EXISTING DWELLING HOUSE AND TWO STOREY SHED TO ERECT 2 x 2 STOREY ATTACHED DWELLING HOUSES, EACH WITH A SEPARATE 2 STOREY DETACHED GARAGE WITH FIRST FLOOR OFFICE/STUDIO ON THE REAR BOUNDARY AND SUBDIVISION OF THE PROPERTY INTO 2 ALLOTMENTS – DEVELOPMENT APPLICATION (U02-00189)

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 30 April 2003.

Carried.

4.

REGENT STREET, NO. 25, PADDINGTON – ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED TERRACE DWELLING INCLUDING A NEW ATTIC LEVEL, GARAGE AND SWIMMING POOL (U02-01014)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Furness:-

(A) That Council grants its consent pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Andrea Louise Webster, for alterations and additions to a semi-detached terrace dwelling including new attic level, garage, and swimming pool at land known as No. 25 Regent Street, Paddington, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered DA 130802-01-09 Revision D, dated August 2002 and received by Council on 14 February 2003, subject to compliance with the conditions below;
- (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 \$500, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That all relevant sections of the BCA shall be complied with;

- (4) 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;
- (5) 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;
- (6) 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;
- (7) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (8) 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;
- (9) That the requirements of the Work Cover Authority shall be complied with;
- (10) 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;
- (11) 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;
- (12) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (13) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (14) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (15) 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;
- (16) That the demolition work shall comply with Australian Standard 2601-1991;
- (17) 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;
- (18) 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;

- (19) The proposal shall comply with the following requirements of the Building Code of Australia;
- (20) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;
 - (a) That where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with part 3.1.3 of the BCA;
 - (b) The proposed skylights shall comply fully with the requirements of Part 3.7 of the BCA;
 - (c) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
 - (d) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA and complying with AS 3786;
 - (e) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades and hand rails in accordance with Part 3.9.2 of the BCA;
 - (f) That all glazing materials shall comply with Part 3.6 of the BCA;
 - (g) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
 - (h) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;

- (i) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
 - (j) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
 - (k) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
 - (l) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation complying with requirements of 3.8.5 of the BCA;
 - (m) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
- (21) That the proposed side boundary wall shown on the approved plans shall not be built as a party wall but the proposed extension shall be wholly located within the boundaries of the allotment unless the written consent of the adjoining owner is submitted to Council;
- (a) That the lower half of the proposed window to bedroom 4 facing No. 23 Regent Street be of obscure glass and not openable;
- (22) That the first floor front balcony shall be reinstated to its original form, matching the original details of Nos 27 and 29, and decorated with appropriate balustrade panels reflecting the traditional patterns, colour and details. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate;
- (a) That details of the proposed fencing between the rear yards of No. 23 and No. 25 Regent Street and No. 25 and No. 27 Regent Street are to take into account the finished yard level of No. 25 Regent Street and ensure that there is a balance between privacy and overshadowing concerns;
- (23) That the front palisade fence is to be reinstated matching the details of No 27. The five to six courses of brickwork are to be removed and the iron pickets reinstated on a rendered masonry plinth. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate;

- (24) That timber framed French doors opening onto the front balcony are to be reinstated matching the original details of Nos 27 and 29. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate;
- (25) That the façade is to be painted in predominantly earthy tones in keeping with the Victorian character of the terrace. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate;
- (26) That the roofing is to be of a corrugated metal profile either in zincalume or in a slate grey colour. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate;
- (27) That the ridgeline of the main roof of the terrace is not to be raised to accommodate the attic. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate;
- (28) That there be only one rear window from bedroom four, centrally located. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate;
- (29) That the rear windows of the first floor bathroom and bedroom four are to be timber framed double hung sash windows in keeping with the Victorian character of the terrace. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate;
- (30) That the proposed planter bed adjacent to the stairway shown on the Ground Floor Plan, shall be increased in size to be minimum 3m wide and 2m long to accommodate the requirement of a replacement tree. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate;
- (31) The planter bed width shall be extended across the lawn, to be aligned with the edge of the upper level of the timber deck and retain the width as shown on the plan, and depth of minimum 800mm as shown on Section A-A. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate;
- (32) That the plant specimens and tree within the planter boxes shall be planted in accordance with the Landscape Code, with the necessary waterproofing, irrigation, cellular drainage system, tanking and flushing tubes. Details are to be provided to the

Principle Certifying Authority prior to the release of the construction certificate;

(33) That the required species for the proposed tree shall be either:

- (i) *Acer palmatum* (Japanese Maple) or a variety/ cultivar
- (ii) *Prunus cerasifera* 'Nigra' (Purple-Leaved Plum)
- (iii) *Prunus serrulata* (Oriental Flowering Cherry)

of a minimum 200 Litre size, in order to provide a significant specimen to replace the existing mature trees removed on site. Details are to be provided to the Principle certifying authority prior to the release of the Construction Certificate;

(34) The rear facing balcony and window openings at attic level must be reduced in width to 3.1 metres. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate;

(35) The applicant is to submit a plan to the Certifying Authority to indicate the extent of landscape areas on slab and plater boxed and provide details that include a cellular drainage system, water proofing, tanking, and flushing tubes in accordance with Council's Landscape Codes. Details are to be provided to the Principle Certifying Authority prior to the release of the Construction Certificate;

(36) The applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate;

(37) 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;

(38) 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);

- (39) 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;
- (40) 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;
- (41) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (42) That 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;
- (43) 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;
- (44) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (45) That the vehicular crossing shall, prior to occupation, be treated in such a manner as to provide a safe walking surface;
- (46) 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;
- (47) 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;

- (48) 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;
- (49) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (50) 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;

- (51) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (52) 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);
- (53) That the premises, in particular internal rooms not provided with natural ventilation complying with the requirements of Part 3.8.5 of the Building Code of Australia, shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
- (54) 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;

- (55) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$4125.00 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;

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

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

Carried.

5.

LAWSON SQUARE, NO. 1, REDFERN – REMOVAL OF EXISTING TNT SIGNAGE ON THE EASTERN TOWER AND REPLACEMENT WITH A SOUTH SYDNEY CITY COUNCIL LOGO (U03-00008)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That Council:-

- (A) under Section 80 of the Environmental Planning and Assessment Act 1979 grants consent to the development application submitted by Brett James McKechnie of Kimberly Securities Limited to remove three wall signs and erect three wall signs to the Northern, Eastern and Southern elevations of the existing Tower 2 building at No. 1 Lawson Square Redfern, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with drawing Nos. Da-01 to DA-03 dated 18.12.02 drawn by PTW Architects except as modified below:
 - (2) That all the recommendations emanating from the Report of Jim Hatz and Associates Engineering Consultants dated 29 April 2003 and addressed to Nix Electrical 2/21 Ida St Sans Souci, in particular the four points under the heading Design Assumptions on page 3 be complied with;
 - (3) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
 - (a) That all relevant sections of the BCA shall be complied with;
 - (b) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
 - (c) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
 - (4) 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;

- (5) 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;
- (6) 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;
- (7) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (8) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (9) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (10) That the demolition work shall comply with Australian Standard 2601-1991;
- (11) That the building work must not be commenced until the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority and
 - (ii) has notified the Council of the appointment;
- (12) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of Public Works and Services;
- (13) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (14) 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;

- (15) That the building, during construction and when completed, shall be designed so as to take into consideration Council's Pedestrian Safety Guidelines. The applicant shall be responsible for any costs associated with the implementation of any pedestrian safety measures such as street signs, pedestrian crossings and the like;
 - (16) That 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);
 - (17) That all signage is to be for the naming rights of the major tenants only and is in no way to be considered as general advertising space;
 - (18) That all illumination of the signage be extinguished at 10.00 p.m.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

The Planning and Development Committee Meeting terminated at 7.34 p.m.

REPORT OF THE FINANCE COMMITTEE

7 May 2003

PRESENT

The Mayor, Councillor Tony Pooley (Chairperson)

Councillors – John Bush, Christine Harcourt and Shayne Mallard

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

The Mayor and Councillors – Bush, Harcourt and Mallard

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

That the Report of the Finance Committee of its meeting of 7 May 2003, be received and the recommendations set out below for Items 1, 3, 5 and 6, be

adopted. The recommendations for Items 2 and 4 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

PROPERTIES – REDFERN TOWN HALL – APPLICATION FOR FREE USE - REDFERN LEGAL CENTRE – VARIOUS DATES JUNE 2003 (P56-00416)

That Council approves of the free use of Redfern Town Hall on Wednesday 4 June, Thursday 5 June, Wednesday 11 June, Thursday 12 June, 2003 from 9:00am – 3:00pm by Redfern Legal Centre and under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo \$840 in income and \$200 in costs, to enable the Redfern Legal Centre to conduct their meetings, with additional funds to be added to the 2002/2003 donation budget 1.24.6815.16410 to cover this expenditure, but recouped from operations savings.

(DCL Report 16.4.03)

Carried.

2.

PROPERTIES – PADDINGTON TOWN HALL – APPLICATION FOR FREE USE AND USE OF LIGHTING AND STAGING RESOURCES FOR SYDNEY PRIDE CENTRE LTD, 29 JUNE 2003 (P56-00416)

(At the Council Meeting, Councillor Furness declared an interest in the matter as his partner is on the Board of the Sydney Pride Centre Ltd and left the Council Chambers and did not take part in discussions or voting on the matter.)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Shaw:-

- (1) That Sydney Pride Centre Ltd be allowed the free use of Paddington Town Hall on 29 June 2003, for their Awards Night function;
- (2) That the approval for the free use of Paddington Town Hall by Sydney Pride Centre Ltd is not to be seen as a precedent.

Carried.

3.

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

That Council give confirmatory approval for the Schedule of Payments accompanying the report of the Acting Chief Financial Officer dated 7 April 2003, details of which are contained in the relevant file.

(A/CFO Report 7.4.03)

Carried.

4.

**COMMITTEES – REDFERN OVAL – APPROVAL TO PUBLICLY EXHIBIT
REDEVELOPMENT OPTIONS (2026467)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Harcourt:-

That the matter be deferred for further information from Council, South Sydney District Rugby League Football Club and any other relevant organisation involved in the redevelopment of Redfern Oval.

Carried.

5.

**PARKS – SYDNEY PARK – ACCEPTANCE OF TENDER FOR THE
DESIGN, CONSTRUCTION AND OPERATION OF A LEACHATE
TREATMENT PLANT (2027943)**

At this stage and at 6.59 p.m., it was moved by the Mayor, seconded by Councillor Harcourt, that the Finance Committee resolve to move into a Committee of the Whole with Press and Public excluded in respect of this matter as it contained confidential information under Section 10A(2)(d) of the Local Government Act, 1993.

Carried.

That arising from consideration of a report by the Director of City Works dated 24 April 2003, Council resolves to:-

- (1)(A) accept the tender submission of Nanochem Pty. Ltd for the Design Construction and Operation for twelve months of a Leachate Treatment Plant at Sydney Park at a cost of \$422,973 (excluding GST) and the confidential attachment to this report remain confidential in accordance with Section 10A(2)(d) of the Local Government Act as it contains

commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

- (1)(B) that the issues raised by Councillor Bush at the Finance Committee Meeting be explored by the relevant Council Officers so that they can be discussed at the next Council Meeting.

At this stage and at 7.08 p.m. following completion of the above matter, the Committee resolved to re-convene as the Finance Committee.

Carried.

This matter was dealt with in the Committee of the Whole at Council. See Page No. 408 for decision.

6.

PLANNING – GREEN SQUARE PUBLIC DOMAIN PLANS – MIDBLOCK PRECINCT – VARIATION TO CONTRACT (2027902)

That Council approve the variation to McGregor and Partners and subconsultant contract consultancy for the preparation of the Green Square Public Domain Plans for a fee of \$44,300 (incl. GST) to complete the Midblock Precinct.

(DCE Report 2.5.03)

Carried.

At the Council Meeting, the Mayor endorsed the motion of the Finance Committee Meeting, namely, that:-

Prior to the termination of the meeting of the Finance Committee, it was moved by Councillor Mallard, seconded by Councillor Harcourt, that the General Manager, Directors, the Boundary Team and Staff be thanked on the boundary changes result, particularly the properties that this Council will be retaining.

Carried.

The Finance Committee Meeting terminated at 7.28 p.m.

NOTICE OF MOTION

1.

**LEGAL – CRIMES AMENDMENT (SEXUAL OFFENCES) BILL 2003 -
SUPPORT****Moved by Councillor Furness, seconded by Councillor Shaw:-**

That a letter, under the signature of the Mayor, be sent to the State Members for Bligh, Heffron and Marrickville seeking a commitment to support the *Crimes Amendment (Sexual Offences) Bill 2003*.

Carried.

The Council Meeting terminated at 7.34 p.m.

Confirmed at a meeting of South Sydney City Council

held on 2003

CHAIRPERSON**GENERAL MANAGER**